



**COMMENT RESPONSE DOCUMENT (CRD)
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2011-20 (B.I)**

***'Authority, Organisation and Operations Requirements for
Aerodromes'***

**(B.I) CRD to NPA 2011-20 (B.I).— *Draft Cover
Regulation and Implementing Rules***

IV. CRD table of comments, responses and resulting text

(General Comments) -

comment	<p>3 comment by: <i>Croatian Civil Aviation Agency</i></p> <p>1. Using of term „Operations“ in the: NPA 2011-20 (A); NPA 2011-20 (B.I); NPA 2011-20 (B.II); and NPA 2011-20 (C). Under the term “Operations” we usually understand flight operations or air operations. Suggestion: consider use of the term “Operational” instead “Operations”.</p> <p>2. Using of term “Part-OPS”. Under the term “Part-OPS” we understand the Regulation on Air Operations (Draft COMMISSION REGULATION (EU) No .../... of [...] laying down requirements and administrative procedures related to Air Operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council). Abbreviation “OPS” is still used for flight operations or air operations in “EU-OPS” and “JAR-OPS 3”. Suggestion: consider use of “OP” or “AOP” instead “OPS”.</p> <p>3. Using of term “Hazardous material” in Draft COMMISSION REGULATION (EU) No .../...of [...] laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council and its Annexes. Hazardous materials are defined and regulated in the United States primarily by laws and regulations. A hazardous material is any item or agent (biological, chemical, physical) which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors. Dangerous goods is international term for hazardous material. Suggestion: consider use of “Dangerous goods” instead “Hazardous materials”.</p>
response	<p><i>Accepted</i></p> <p>1. The term OPS is used together with the term ADR in order to distinguish from flight operations.</p> <p>2. The provisions for hazardous materials have been deleted.</p>
comment	<p>20 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>ACI EUROPE appreciates the spirit of cooperation on the development of the suggested rules and the preparation of the NPA document. EASA has so far cooperated openly with the European airports and has tried to find solutions to have flexibility which is seen positively, since it is something airports requested from the beginning. However, there are still some comments ACI EUROPE will address since we believe that they are crucial for a successful set of rules.</p>
response	<p><i>Noted</i></p> <p>Noted.</p>
comment	<p>21 comment by: <i>ACI EUROPE - Airports Council International</i></p>

	Within these requirements the responsibility of the aerodrome operator are significantly increased,
response	<p><i>Noted</i></p> <p>The Basic Regulation attributed a number of responsibilities to aerodrome operators (Essential Requirements Part B). However, the Agency has developed an Implementing Rule in Annex III to handle situations where such responsibility does not lie directly with aerodrome operators (ADR.OPS.B.001).</p>
comment	<p>22 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>Within the EU a lot of effort has been put in place to reduce the administrative load enforced by governments. The detailed descriptions and amendments in these EASA requirements will decrease, but increase the administrative workload and administrative costs. Therefore we suggest to make the implementing rules less detailed and more like a framework and transfer many AMCs and CS into Guidance Material.</p>
response	<p><i>Partially accepted</i></p> <p>This review process has taken place in what concerns IRs, AMCs and CSs. The Agency extensively reviewed its approach to notifications from the competent authorities to the Agency. Where possible, it deleted these notifications or made them information requirements.</p>
comment	<p>23 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>The structure of the rules and cross references makes the documents complex to read and understand. In ADR.OR.E.005 operators are required to observe human factors principles and organise their aerodrome manuals in a manner that facilitates preparation, use and review. It would be advantageous, if the EASA documents would follow these principles.</p>
response	<p><i>Noted</i></p>
comment	<p>24 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>The provisions for flexibility, customised compliance and proportionality given under the existing ICAO system, are not satisfactorily reflected in the NPA documents. It is notably due to the fact that recommendations have been transposed to the same level as standards which has never been accepted by ACI EUROPE since it limits the needed flexibility.</p>
response	<p><i>Not accepted</i></p> <p>As the Agency has often explained, CSs do not have the same legal value as standards and recommendations in the ICAO terminology. Also the Agency has carefully dissected the SARPs to separate out the regulatory content of them (precise numbers and requirements as opposed to notes, guidance and information as well as examples). And of course, where there is nothing more than a recommendation, the regulatory content of that recommendation is used to build CSs. Where there are REC and STD</p>

on the same subject matter, the Agency provides a range of options. For example, RESA can range from a minimum of 90 m to a maximum of 240 m as desired. Please read an extensive discussion on this matter in the explanatory note of the CRD.

The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community. Flexibility at the AMC/CS level is for all requirements given by installation of AMCs, ELOS and SCs regardless of its status on ICAO level. This issue is further explained in the Explanatory Note.

comment	25	comment by: <i>ACI EUROPE - Airports Council International</i>
		We urge EASA to make consistency checks with regards to the usage of the contents of ICAO State Letter 41 and ensure that only SARPS which are published are used in establishing EASA documentation.
response		<i>Accepted</i>
		Concerning the adoption of the proposals included in ICAO SL 41-2011, the Agency decided not to follow them for the time being.

comment	26	comment by: <i>ACI EUROPE - Airports Council International</i>
		Local legislation should be considered as arrangements
response		<i>Not accepted</i>
		The BR in its ERs is clear on the matter of arrangements: 'the aerodrome operator shall establish arrangements with other relevant organisations to ensure continuing compliance with these essential requirements for aerodromes. These organisations include, but are not limited to, aircraft operators, air navigation service providers, ground handling service providers and other organisations whose activities or products may have an effect on aircraft safety'; So, to the extent that there is no such arrangements between the aerodrome operator itself and the other parties, the EU law is not respected. Such arrangements are meant to contain and solve issues, such as who does what, how, how often, what if cases, and so on. For the reasons above, local legislation cannot count as arrangements.

comment	58	comment by: <i>Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)</i>
		Amsterdam Airport Schiphol and Dutch Aerodromes Association (NVL) fully support the comment and justification as submitted by ACI Europe. In addition to that, Amsterdam Airport Schiphol and Dutch Aerodromes Association (NVL) have submitted extra comments in this CRT .
		Amsterdam Airport Schiphol supports as many other European airports an Implementing Rule (IR) for the competent authority, guaranteeing the arrangement of free access to national and international legislation for the design and operation of aerodromes. Since the new EASA regulations are referring at many instances to ICAO regulations EASA should ensure

direct or indirect free access to this type of regulations. (see attachement)

Attachement:

Proposal for access to (inter)national aerodrome legislation

In the dynamic world of Airport Operations, direct access to aviation rules and legislation is essential for aerodrome operators. In a quick benchmark, conducted within a group of ACI member airports in Europe, it appeared that access to aviation legislation, in particular ICAO Annexes and ICAO documents, is a commonly felt problem.

While the competent authorities of the member states have arrangements with ICAO for (free) direct access to ICAO publications, airport operators around the world are forced to buy their information using costly yearly contracts and log-in codes. This often leads to the use of outdated versions of Annex 14 or other relevant documentation. In fact, some airport operators feel that safety is at stake because of the trouble they have to go through, in search for relevant standards and recommendations (SARP's) for the design and operations of airports.

Member states are, by the Chicago Convention, subject to ICAO SARP's and have often translated these SARP's into national legislation. More often, the competent authorities have directly adopted these SARP's as being the national legislation for aerodrome operators within their State. In this manner ICAO SARP's and other international rulemaking have become the certification basis for many airports around the world, while (international) standards and rules are more or less being withheld by the State by not having arranged formal access or publication.

Aerodrome operators should, for their certification process and above all for safety and standardization reasons, have unrestricted access to all relevant national and international legislation regarding airport design and operations.

AAS therefore supports the proposal of several European airports to have an Implementing Rule (IR) for the competent authority, guaranteeing the arrangement of access to national and international legislation for the design and operation of aerodromes.

This IR should be allocated to Annex I of the NPA 2011-20 preferably in Subpart A of Part AR.

response

Noted

All Community legislation generally is published through the Official Journal. Rules developed by the Agency are available on the Agency web pages.

The Agency does not have rights to make ICAO material freely available.

comment

179

comment by: CAA-NL

Surroundings of the aerodrome:

It is not clear where the surroundings of the aerodrome ends. The surrounding is not defined and we conclude that it is up to each Member State to establish the boundary of the surrounding of the aerodrome for

the different safeguarding issues and that these boundaries can vary. It would be helpful if the Agency would provide more guidance material in line with ICAO guidance material how Member States should deal with the surrounding of the aerodrome and use some examples and figures. For example a 15 km zone for PSR/SSR omni-directional surveillance facilities (Appendix 3 – ICAO EUR Doc. 015), a 13 km zone for bird control and reduction (ICAO Airport Services Manual, Part 3 – bird control and reduction, 7.9, page 10), but only a limited zone for the assessment of wildlife hazard in the surrounding of the aerodrome by the aerodrome operator according to ADR-OPS.B.020.

Surroundings and vicinity of the aerodrome:

The words 'surroundings' and 'vicinity' are both used to express the same thing. Please use the word 'surroundings' in all cases, because this is the word used in the basic regulation and as such no confusion will be introduced.

response *Accepted*

Any reference to 'vicinity' has been replaced by 'surrounding' in order to be consistent with the Basic Regulation. The term 'surrounding' is very generic. Therefore, guidance material has been provided for every case.

comment

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comment by: *Swedavia AB - Swedish airports (currently 11 airports)*

Within these requirements the responsibility of the aerodrome operator is significantly increased. More and more issues are brought under the responsibility of the aerodrome operators.

Within the EU a lot of effort has been put in place to reduce the administrative load enforced by governments. The detailed descriptions will increase the administrative workload and administrative costs. Therefore we suggest to make the implementing rules less detailed and more like a framework and transfer many AMCs and CS into Guidance Material.

There is a need for a consistent numbering process for all tables and figures as well as their references.

The structure of the rules and cross references makes the documents complex to read and understand. In ADR.OR.E.005 operators are required to observe human factors principles and organise their aerodrome manuals in a manner that facilitates preparation, use and review. It would be advantageous, if the EASA documents would follow these principles.

The provisions for flexibility, customised compliance and proportionality given under the existing ICAO system, are not satisfactorily reflected in the NPA documents. It is notable due to the fact that recommendations have been transposed to the same level as standards.

We urge EASA to make consistency checks with regards to the usage of the contents of ICAO State Letter 41 and ensure that only SARPS which are published are used in establishing EASA documentation.

Local legislation should be considered as arrangements.

response

Noted

Aerodrome operators responsibilities: The Basic Regulation attributed a number of responsibilities to aerodrome operators (Essential Requirements Part B). However, the Agency has developed an Implementing Rule in Annex III to handle situations where such responsibility does not lie directly with aerodrome operators (ADR.OPS.B.001).

Administrative burden: Partially accepted. This review process has taken place in what concerns IRs, AMCs and CSs. The Agency extensively reviewed its approach to notifications from the competent authorities to the Agency. Where possible, it deleted these notifications or made them information requirements.

Numbering: Numbering and references have been corrected.

Structure: Noted.

Flexibility, customised compliance and proportionality: Noted. The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community. Flexibility at the AMC/CS level is for all requirements given by installation of AMCs, ELOS and SCs regardless of its status on ICAO level. This issue is further explained in the Explanatory Note.

ICAO SL 41: Concerning the adoption of the proposals included in ICAO SL 41-2011, the Agency decided not to follow them for the time being.

Local legislation: The Basic Regulation in its Essential Requirements is clear on the matter of arrangements:

'the aerodrome operator shall establish arrangements with other relevant organisations to ensure continuing compliance with these essential requirements for aerodromes. These organisations include, but are not limited to, aircraft operators, air navigation service providers, ground handling service providers and other organisations whose activities or products may have an effect on aircraft safety';

So, to the extent that there is no such arrangements between the aerodrome operator itself and the other parties, the EU law is not respected. Such arrangements are meant to contain and solve issues such as who does what, how, how often, what if cases, and so on. For the reasons above, local legislation cannot count as arrangements.

comment

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comment by: *SWISS AERODROMES ASSOCIATION*

The aim at establishing and maintaining a high uniformed level of civil aviation safety does not necessarily mean setting such detailed new rules. It first calls for an assessment of the present situation to address this need and, in the domain of aerodromes, to take into account the fact that some years ago ICAO has ruled the aerodromes certification including safety management systems.

The aerodromes safety level throughout Europe is good. As uniformisation must remain respectful of national enforcement as well as of principles like

flexibility, proportionality and customized compliance, it can and should rather be achieved through shared experience instead of a new layer of regulation placed between already comprehensive ICAO material and national laws.

The scope of the proposed regulation should also duly take into account the principle of subsidiarity under Community Law. According to this principle, the intended requirements deriving from the BRs and ERs to be found in EC Regulation 216/2008 extend the responsibility of the aerodrome operator in a significant manner and an unnecessary extent.

A lot of issues are brought under the responsibility of the aerodrome operators without sufficient justification and available space of freedom for the various national regimes. Nor are the provisions for flexibility, customised compliance and proportionality given under the existing ICAO dual system (standards-recommendations) satisfactorily reflected in the much too complex NPA. It is notably due to the fact that a non negligible number of recommendations have been transposed in CS and therefore reach a higher binding character without necessity. Many references are made to SARPS without differentiating between standards and recommendations. And the classification of many provisions into AMCs, although declared as non-binding, will unduly raise the level of requirements by setting criteria for the level of safety to be achieved. They should be GMs, should they not be binding.

These requirements also cause for both the authorities and the aerodrome operators an increased workload without proven gain in safety. It is therefore important to reduce complexity and volume of the proposed regulation.

The basic principles found in Art 8a of the BR have to be better reflected: rules are to be proportionate to the size, traffic, category and complexity of the aerodrome and nature as well as the volume of operations thereon.

In the process of commenting this part of the NPA, we shall not address every individual issue but only give some illustrations of the enhancement potential. Therefore and unless they achieve an acceptable level of flexibility and potential of customized compliance, the fact of non commenting provisions must not be considered as an agreement with by our Association and its members.

Corrective action is therefore expected and our Association offers its cooperation during this process.

response

Noted

Assessment of present situation: As regards the status quo in the Member States, please recall that from 2009 to 2010 the Agency conducted a study on the implementation of Annex 14 in the EU region and thereby learned for the task it has to do. Also the impact assessment at the time of the preparation of the NPA has further contributed to the Agency's mode of working.

Aerodrome operators responsibilities: The Basic Regulation attributed a number of responsibilities to aerodrome operators (Essential Requirements Part B). However, the Agency has developed an

Implementing Rule in Annex III to handle situations where such responsibility does not lie directly with aerodrome operators (ADR.OPS.B.001).

Flexibility, customised compliance and proportionality: The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community. Flexibility at the AMC/CS level is for all requirements given by installation of AMCs, ELOS and SCs regardless of its status on ICAO level. This issue is further explained in the Explanatory Note.

Administrative burden: Partially accepted. This review process has taken place in what concerns IRs, AMCs and CSs. The Agency extensively reviewed its approach to notifications from the competent authorities to the Agency. Where possible, it deleted these notifications or made them information requirements.

comment

429 comment by: *MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen*

The proposed rules on management stated in subpart B (ADR.AR.B) should be omitted due to their incompatibility with the fundamental EC/EU principles of subsidiary and proportionality (Art. 5 of the Treaty). Germany has long since established a specialised and experienced aviation administration based on detailed regulations concerning – inter alia – formal administrative procedures, organization of the competent authorities or allocation of tasks. Therefore the proposed rules collide with national provisions for an already existing and effective performing administrative system and are thus dispensable. In addition Art. 8a para. 5 of the Basic Regulation does in no way authorize the Commission to instruct Member States on how to manage their administrative entities in terms of organisation, equipment, personnel etc. With regard to the Member States' sovereignty and the above mentioned fundamental principles of EU Law we urgently recommend to (at least) consult the European Commission's legal service on this topic.

response

Noted

comment

446

comment by: *Avinor*

Avinor appreciates the spirit of cooperation on the development of the suggested rules and the preparation of the NPA document. EASA has so far cooperated openly with the European airports and has tried to find solutions to have flexibility which is seen positively, since it is something airports requested from the beginning. However, there are still some comments Avinor will address since we believe that they are crucial for a successful set of rules.

Within these requirements the responsibility of the aerodrome operator is significantly increased. More and more issues are brought under the responsibility of the aerodrome operators without additional authorities. Within the EU a lot of effort has been put in place to reduce the administrative load enforced by governments. The detailed descriptions and amendments in these EASA requirements will decrease, but increase the administrative workload and administrative costs. Therefore we suggest to make the implementing rules less detailed and more like a

framework and a transfer many AMCs and CS into Guidance Material. There is a need for a consistent numbering process for all tables and figures as well as their references. For Example, AMC2.ADR.OPS.B.075. The structure of the rules and cross references makes the documents complex to read and understand. In ADR.OR.E.005 operators are required to observe human factors principles and organise their aerodrome manuals in a manner that facilitates preparation, use and review. It would be advantageous, if also the EASA documents would follow these principles.

The provisions for flexibility, customised compliance and proportionality given under the existing ICAO system, is not satisfactorily reflected in the NPA documents. It is notably due to the fact that recommendations have been transposed to the same level as standards.

We urge EASA to make consistency checks with regards to the usage of the contents of ICAO State Letter 41 and ensure that only SARPS which are published are used in establishing EASA documentation.

The principle of the BR to be proportionate to the size, traffic, category and complexity of the aerodrome and nature as well as the volume of operations thereon. (Art. 8a (6) (b)) should be reflected in the Regulation.

response *Noted*

Aerodrome operators responsibilities: The Basic Regulation attributed a number of responsibilities to aerodrome operators (Essential Requirements Part B). However, the Agency has developed an Implementing Rule in Annex III to handle situations where such responsibility does not lie directly with aerodrome operators (ADR.OPS.B.001).

Administrative burden: Partially accepted. This review process has taken place in what concerns IRs, AMCs and CSs. The Agency extensively reviewed its approach to notifications from the competent authorities to the Agency. Where possible, it deleted these notifications or made them information requirements.

Structure: Noted.

Numbering: Accepted. Numbering has been corrected.

Flexibility, customised compliance and proportionality: Noted. The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community. Flexibility at the AMC/CS level is for all requirements given by installation of AMCs, ELOS and SCs regardless of its status on ICAO level. This issue is further explained in the Explanatory Note.

ICAO SL 41: Concerning the adoption of the proposals included in ICAO SL 41-2011, the Agency decided not to follow them for the time being.

Local legislation: The Basic Regulation in its Essential Requirements is clear on the matter of arrangements:

'the aerodrome operator shall establish arrangements with other relevant organisations to ensure continuing compliance with these essential requirements for aerodromes. These organisations include, but are not limited to, aircraft operators, air navigation service providers, ground handling service providers and other organisations whose activities or products may have an effect on aircraft safety';

So, to the extent that there is no such arrangements between the aerodrome operator itself and the other parties, the EU law is not respected. Such arrangements are meant to contain and solve issues such as who does what, how, how often, what if cases, and so on. For the reasons above, local legislation cannot count as arrangements.

comment

634

comment by: *Estonian CAA*

Local legislation should be considered as arrangements

response

Noted

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'the aerodrome operator shall establish arrangements with other relevant organisations to ensure continuing compliance with these essential requirements for aerodromes. These organisations include, but are not limited to, aircraft operators, air navigation service providers, ground handling service providers and other organisations whose activities or products may have an effect on aircraft safety';

So, to the extent that there is no such arrangements between the aerodrome operator itself and the other parties, the EU law is not respected. Such arrangements are meant to contain and solve issues such as who does what, how, how often, what if cases, and so on. For the reasons above, local legislation cannot count as arrangements.

comment

699

comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

Wenn in "ADR" Bezug auf die VO (EU) 216/2008 (z. B. im ADR.AR.B.010) genommen wird, dann darf dies nicht nur mit einem allgemeinen Verweis erfolgen. Grundsätzlich hat ein Verweis in "ADR" konkret auf den jeweiligen Artikel (Absatz, Spiegelstrich, etc.) der "Basic Regulation" zu erfolgen, damit der Verweis nachvollziehbar wird. In "ADR" wird an vielen Stellen ein Verweis zur "Basic Regulation" als Begründung angeführt, der sich bei näherer Betrachtung als pure nicht korrekte Behauptung erweist, da die "Basic Regulation" derartige Regelungen nicht vorsieht bzw. zulässt.

When "ADR" refers to (EC) No 216/2008 (f. e. ADR.AR.B.010), then this should not be only generic. In such cases it must be referred to the relevant articles of the "Basic Regulation". ADR is built in many places on the mere assertion that the "Basic Regulation" permits certain depth regimes.

response

Noted

It is customary to refer to the Basic Regulation and its Implementing Rules when an issue is dealt with in several annexes, or when legislation may be coming in the future. Also because of the wider mandate that the articles of the Basic Regulation give to the rulemaking, it is not always possible to make an exact reference.

comment

700

comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

Das EASA-Prinzip "**Total System Approach**" wird in den "ADR" nicht

beachtet, da in "ADR" keine Querverbindungen zu den europäischen Regularien der Luftsicherheit [z. B. VO (EG) 2320/2002] aufgeführt sind. In "ADR" werden lediglich die "Safety-Aspekte" an Flugplätzen betrachtet - die "Security-Aspekte" werden vollständig ausgeblendet, obwohl es zwischen "Safety" und "Security" insbesondere an Flugplätzen sehr viele Schnittstellen gibt, die es auch in "ADR" zu berücksichtigen gilt.

Es ist aus Sicht der Flugplatzbetreiber aber auch aus Sicht der Luftfahrtbehörden (Safety-Authority) und der Luftsicherheitsbehörden (Security-Authority) nicht nachvollziehbar, wenn zwei Managementsysteme bzw. Qualitysysteme (Safety und Security) parallel nebeneinander eingeführt und gelebt werden müssen, da dies zum Einen zu Sicherheitslücken und ggfs. zu gegenseitigen Behinderungen führen kann aber auch unnötig hohe Kosten produziert. Aus diesen Gründen darf es an einem Flugplatz z. B. nur ein Flugplatzhandbuch (Aerodrome Manual) und einen Notfallplan (Aerodrome Emergency Plan) geben, in dem beide Aspekte (Safety und Security) untereinander abgestimmt berücksichtigt werden. Vom Grundsatz her ist das Ziel anzustreben und in den Vorschriften zu verankern, dass an Flugplätzen ein "SSMS" (Safety and Security Management System) einzuführen ist.

In "ADR" aber auch in den "Security-Regularien" sind Vorschriften zu treffen, durch die sichergestellt wird, dass sich "Safety-Aufgaben/Tätigkeiten" und "Security-Aufgaben/Tätigkeiten" nicht gegenseitig ausschließen bzw. behindern. So ist es beispielsweise heute schon häufig der Fall, dass SAFA-Inspektoren und/oder Flugplatz-Inspektoren aus Sicherheitsgründen (Security-Reasons) nicht oder nur erheblich verzögert unangekündigte Inspektionen [ADR.AR.C.005(b)(3); ADR.OR.C.015] in ihren Aufgabefeldern durchführen können. Es ist auf europäischer Ebene oder zumindest auf nationaler Ebene sicherzustellen, dass Inspektoren der Luftfahrtbehörden (Safety-Inspector) und der Luftsicherheitsbehörden (Security-Inspector), beispielsweise durch ein einheitliches Dienstaussweissystem, zügiger Zugang zu den Sicherheitsbereichen gewährt wird, um den jeweiligen dienstlichen Aufgaben nachkommen zu können.

*EASA did not consider its principle "**Total System Approach**" because there are no cross connections between the "ADR-Rules" and the European rules for "Security on Aerodromes" [f. e. EC No. 2320/2002].*

"Security concerns" must be integrated in the "Aerodrome Manual" specially in the "SMS" and in the "Aerodrome Emergency Plan". It would be devastating if an aerodrome operator has to implement and maintain one management system for "Safety affairs" (ADR.OR.D.005) and parallel one management system for "Security affairs".

For Inspectors (SAFA-Inspectors and/or Aerodrome-Inspectors) it is nowadays for security reasons often impossible to carry out unannounced inspections [ADR.AR.C.005(b)(3); ADR.OR.C.015] so that "safety risks" resulting from "Security reasons".

response

Noted

The Agency is the aviation safety agency of the Community and has no responsibilities in terms of aviation security. This is regulated by Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002.

As regards the concrete question of the possibility of unannounced inspections, it would be advisable to solve the security clearances when

the safety inspectors get their authorisation from the CAA.

comment	<p>701 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>In den "ADR"-NPAs wurden an vielen Stellen die Aufgaben und Zuständigkeiten der Mitgliedsstaaten (Member States) und der jeweiligen Luftfahrtbehörden (Competent Authorities) nicht korrekt differenziert (z.B. ADR.AR.A.020 und ADR.AR.A.025), was teilweise auch im Widerspruch zu den Vorschriften der "Basic Regulation" steht.</p> <p>Die "ADR"-NPAs berücksichtigen nicht in angemessen Maß die föderalen Staatsformen (z. B. das der Bundesrepublik Deutschland), in denen beispielsweise mehrere Luftfahrtbehörden mit identischen Aufgaben und Zuständigkeiten, jedoch in abgrenzten geografischen Regionen, existieren.</p> <p><i>In many places of the "ADR"-NPAs the necessary separation for the tasks and competencies of the member states and the respective competent authorities are not sufficiently considered (e.g. ADR.AR.A.020 and ADR.AR.A.025), which could be partly a contradiction to the "Basic Regulation".</i></p> <p><i>"ADR"-NPAs do not consider in appropriately measure the federal state systems (e.g. the state system of the Federal Republic of Germany), in which for example several competent authorities with identical tasks and competencies are existing.</i></p>
response	<p><i>Partially accepted</i></p> <p>AR.A.020 has been abolished. Therefore, no coordination is needed. The accepted ELOS and SCs have to be documented, recorded and stored however.</p> <p>ADR.A.030 is retained, and the federally organised states will have to find their own arrangements on who will have to comply with the requirements. In the case of Germany, there will most likely be several competent authorities.</p>
comment	<p>765 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #1</p> <p>UAF NPA 2011-20 (B.I-III) Com gal 1</p> <p>Objet et portée du règlement</p> <p>Traduction de courtoisie</p> <p>There is a doubt about the object and the scope of the EASA regulation on aerodromes, issue of the present NPA.</p> <ul style="list-style-type: none"> • Does this regulation create obligations towards other entities than the competent authority and the aerodrome operator such as local authorities or owners outside of the airport boundaries? • Does the regulation creates rights for users of the airport and enables them to introduce court claims on this basis? <p>Besides, the legal applicability of others documents prepared by the EASA is uncertain. In its explanatory note (paragraph 16), the agency indicates that AMCs are non-essential and non-biding whereas the ADR.OR.A.015 is</p>

in contradiction with this affirmation: "The aerodrome operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification". This must imperatively be clarified because all comments on AMC are largely related to their juridical value.

UAF considers that EASA's regulation should only be related to the certification of aerodromes. This position is confirmed by the fact that every specification of the NPA have been provided only in the scope of an aerodrome certification.

To this end, UAF is in favour of a better delimitation of the regulation object at article 1 of cover regulation. Without such precision, the regulation would interfere with other activities which are note in the scope of competence of the EASA notably concerning ground handling, urbanism and public security.

response *Noted*

comment 770 comment by: *Union des Aéroports français - UAF*

Attachment [#2](#)

UAF NPA 2011-20 (B.I-III) Com gal 2

Responsabilité de l'exploitant

Traduction de courtoisie

The EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in France. More and more missions have been put under the responsibility of aerodrome operator.

The rulemaking rationale should lead to counter balance this increase of responsibilities by conferring the necessary powers to the aerodrome operator in order to assume his new responsibilities. But the EASA regulation cannot confer such powers to the operator. Indeed, the repartition of responsibilities in member States is, in some cases, conducted under constitutional rules, for example when they are affected to public authorities, is largely out of the scope of the EASA.

Moreover, some provisions relating to the missions of the aerodrome operator do not take into account the principles of subsidiarity and proportionality. The safety of air transport must be assured without altering the repartition of the missions in member States. Each member States must have the possibility to designate authorities or entities in charge of the missions mentioned in the regulation notably concerning the obligation outside of the airport perimeter.

In others cases, the maintaining of competencies of public authorities is fixed by EU requirements. It is for example the case with the Directive (modified) n° 96/67/ CE dated 15 October 1996 related to the ground handling. Article 14 of this directive indicates that if the activity of a ground handler might be dependent on safety conditions of aircraft, equipment and persons, such conditions shall be defined and implemented by a public authority independent of the aerodrome operator through an agreement process. Consequently, the aerodrome operator has no power to forbid the access of a ground handler at the airport or to suspend this access for reasons related to safety. The draft of the future regulation to replace this directive does not modify this aspect (article 16 of the draft dated 16/03/2012).

Consequently, UAF suggests to insert a new article between article 2 and article 3 of the cover regulation :

Article 2 bis: "competent authorities"

Points 1 and 2 of article 3 of the cover regulation (« 1. Member States shall designate [...] No 216/2008. ») must be integrated in this new article 2 bis because they are the first rules about competent authority apart from the scope of monitoring, stricto sensu. These paragraphs are completed with the addition of the following paragraph: "When the responsibilities mentioned in the annexes of this regulation are assumed by an entity which is independent from the aerodrome operator, the competent authority shall ensure that all the essential requirements are covered and shall describe the allocation of these responsibilities in the approval terms of the certificate."

response *Noted*

comment 771 comment by: *Union des Aéroports français - UAF*

Attachment [#3](#)

UAF NPA 2011-20 (B.I-III) Com gal 3

Nombre de spécifications de certification (CS) et de moyens acceptables de conformité (AMC)

Traduction de courtoisie

Many efforts have been undertaken in the European Union to reduce the administrative burden. But the text of the NPA contains a great volume of very specific rules. These provisions will considerably increase administrative burdens and costs.

Consequently, we strongly suggest on one hand to have Implementing rules (IR) less precise and to rather describe a general framework and on the on the hand to transfer many AMC and CS into guidance material (GM). Many texts should be considered as examples to follow instead of being solutions indifferently imposed to anybody, it is even more valid knowing that many of them have no direct effects on safety.

response *Noted*

comment 772 comment by: *Union des Aéroports français - UAF*

Attachment [#4](#)

UAF NPA 2011-20 (B.I-III) Com gal 4

Modification de l'annexe 14 de l'OACI

Traduction de courtoisie

UAF appreciates the spirit of cooperation shown by EASA during the NPA process. EASA has tried to find solutions for flexibility. However, this effort is still not sufficient because the results lead to a loss of flexibility in comparison with the ICAO system. It is notably due to the fact that EASA takes up indistinctly ICAO standards and ICAO recommendations. UAF strongly wish that EASA deals with ICAO recommendations and ICAO standards with different manners to keep the flexibility of ICAO system. So UAF proposes that EASA takes as principle to consider ICAO

recommendations as good practices only and transpose them into GM. UAF admits that, after use of this principle, some ICAO recommendations (few) could be CS or AMC, for example the recommendation related to the runway width.

Moreover NPA reflects very partially and incompletely, the annex 14 modifications proposed by ICAO in its State letter n°41. These modifications have already been validated by the ICAO Air Navigation Commission and many ICAO experts. It is planned that these modifications would be applicable before the entry into force of EASA regulation.

UAF urges EASA to take up the contents of ICAO State Letter 41, also to anticipate the future ICAO annex 14, which will be more based on objectives or performances to reach than prescriptive rules. Such anticipation will prevent Europe from facing an obsolete regulation from its publication.

UAF reminds that Annex 14 has been thought out in the middle of the last century for airport design when there was still space around. Nowadays, the paradigm has changed because rules should be thought for aerodrome certification in an optimisation of space and resources. Existing annex 14 SARPS reflect very incompletely this new paradigm.

N.B.: in several comments about CS and AMC, UAF indicates that it is appropriate to transfer the CS or AMC into GM. Such transfer needs to rewrite the text so that the term "should" does not appear anymore. Indeed, this term should be used only for CS and AMC in the present regulation.

response *Noted*

comment 773 comment by: *Union des Aéroports français - UAF*
Attachment [#5](#)
UAF NPA 2011-20 (B.I-III) Com gal 5
Forme
Traduction de courtoisie
The structure of the rules and cross references makes the document complex to read and understand.

response *Accepted*

comment 774 comment by: *Union des Aéroports français - UAF*
Attachment [#6](#)
UAF NPA 2011-20 (B.I-III) Com gal 6
Arrangements
Traduction de courtoisie
In different member States including France, public authorities have an essential role concerning airport safety and are in charge of specific powers to this end.
In France the constitutional framework implies that some missions are assumed by a public authority such as the "préfets" who are in charge and

have the power to enforce law and order on the aerodromes and also outside the aerodromes whether it is for the definition or the application of the rules.

With the EASA projects, these missions will not be affected to the public authority anymore but to the aerodrome operator by the way of arrangements between itself and others entities providing services at the airport (MET, security, airlines...)

In order to facilitate the implementation of the future regulation, UAF suggests that every rule taken by a public authority, including rules adopted by the "préfets" must be considered as arrangements and this must be written in the EASA project.

response *Noted*

comment 775 comment by: *Union des Aéroports français - UAF*

Attachment [#7](#)

UAF NPA 2011-20 (B.I-III) Com gal 7

Langue

Traduction de courtoisie

UAF draw the attention of EASA on the fact that its futures rules shall be understood by all the actors, who have to use them. Consequently, these rules shall be written in the national language of the State and not only in English.

§2.2.2 of the « Regulatory Impact Assessment » (page 15/130) giving the number of French airports entering the scope of the future EASA rules indicate that many of them are French: "Looking at the result for individual Member States, France has two peculiarities in this European picture : it has the largest number of aerodromes (159) and it is also the country with the highest number of aerodromes below the BR threshold (72 i.e. in relative share 45%...[...]" French airports are so particularly interested to know, understand and appreciate the impact of the EASA rules of this NPA.

The consultation, only in English, does not allow to French airports operators, having no sufficient translation means, to know, understand and correctly appreciate the impact of the rules proposed in this NPA. Consequently, French aerodrome operators are not able to use all their rights, which are recognized by article 6.1 of the "rulemaking procedure", applicable for the redaction and the publication of NPA: "Any person or organisation with an interest in the rule under development shall be entitled to comment on the basis of the published NPA, without discrimination on the basis of nationality".

Article 32-2 of the basic regulation (CE N°216/2008) indicates that all the translation works required for the EASA functioning are performed by the translation center of the EU.

It is also in line with ADR.OR.E.005 (i) related to the aerodrome manual. Indeed, it is indicated that the aerodrome manual shall reflect the basis certification and shall be in a language acceptable by the competent authority and understandable by everyone, who has to use it. So, IR-OPS, AMC and CS, elements of the certification basis shall be written in the official language recognized by the Member State.

Besides, this requirement of the use of the official language appears in most of national constitutions.

In consequence, the EASA regulation shall be written in French to be correctly applied on French aerodromes.

It is why, UAF ask EASA to answer to the following questions.

1. How the fact to have no French version of EASA rules could be considered as compliant with article 58-2 of the basic regulation on transparency and communication ? This article indicates that the agency ensure the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its.

2. How the fact to have no French version of EASA rules could be considered as compliant with the « Rulemaking Procedure » applicable for the redaction and publication of the NPA (§2 Explanatory Note page 5/22) ? This « Rulemaking Procedure » is the subject of the EASA Management Board Decision 08-2007 –Decision amending and replacing the Rulemaking Procedure – MB Meeting 03-2007- in application of article 52 of the basic regulation. In particular, How the fact to have no French version of EASA rules could be considered as compliant with article 6-1 of the EASA Rulemaking Procedure and article 52-1-c) of the basic regulation (“the procedures ensure ensure that the Agency publishes documents and consults widely with interested parties...”).

3. How the fact to have no French version of EASA rules could be considered as compliant with the article 22 of the Charter of fundamental rights of the European Union (2010/C 83/02) which stipulates that the European Union respects the linguistic diversity?

4. How the fact to have no French version of EASA rules could be considered as compliant with the interdiction of discrimination due to the nationality as stipulated in article 18 of the Treaty on the functioning of European Union?

5. How the fact to have no French version of EASA rules could be considered as compliant with article 342 of the Treaty on the functioning of European Union (former article 290) et of the regulation n°1 (modified) governing the languages of the European Union (in particular articles 1, 2 et 4)? These articles give the list of the official languages and the work languages of the EU institutions, including French among others. They also indicate that the r delivered by the EU institutions to a member State or at a citizen of this Member State shall be in the official language of this State and that the general texts are written in official languages.

6.If the answers to the here above questions would not be satisfactory vis-à-vis the applicable rules, how EASA plans to correct the NPA process used and to proceed for the publication of its set of rules ?

response *Noted*

comment 776 comment by: *Union des Aéroports français - UAF*
 Attachment [#8](#)
 UAF NPA 2011-20 (B.I-II) Com gal 8
 Respect du règlement de base
 Traduction de courtoisie
 The principle of the basic regulation to be proportionate to the size, the traffic, the category and the complexity of the aerodrome is not really reflected in the regulation.

response *Noted*

comment	<p>777 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #9</p> <p>UAF NPA 2011-20 (B.I) Com gal 9</p> <p>Changement d'exploitant</p> <p>Traduction de courtoisie UAF considers that the case of aerodrome operator is not correctly and sufficiently dealt with. The EASA seems to have an idealistic view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality. UAF suggests inspiring from the existing rule in France with the possibility to introduce time limited certificates. Thus, the change of aerodrome operator would be resolved by the grant of a temporary certificate which enables, on one hand, the operator to manage the airport and on the other hand, the competent authority to ensure that the regulation is properly implemented on the airport by the operator.</p>
response	<p><i>Noted</i></p>
comment	<p>778 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #10</p> <p>UAF NPA 2011-20 (B.I et III) Com gal 11</p> <p>Références aux Guidance Materials dans les articles de l'Implementing Rules ou les Spécifications de certification</p> <p>Traduction de courtoisie For the consistency of the regulation, references to Guidance Materials (GM) must not be included in Certification Specifications (CS) or Implementing Rules (IR) and have to be developed in specific notes. Otherwise, it implies that GM has the same value as CS or IR. It shall not be the case.</p>
response	<p><i>Noted</i></p>
comment	<p>1163 comment by: <i>Zürich Airport</i></p> <p>Structure of the NPA documents isn't clear and difficult to understand, so it makes it complex to read. It would be more practicable (easier to use), if AMCs and GMs are added directly to the IR.</p>
response	<p><i>Noted</i></p> <p>Change of structure of the rules in the suggested manner is not possible because of different adoption process of IR and AMC/GM.</p>
comment	<p>1223 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>Comments provided by ACI EUROPE represent the common agreed view of</p>

our membership. However, given the great diversity under which European airports operate due to their different size, geographic location and other local circumstances ACI EUROPE is not in a position to address each and every issue raised by our individual airports and or national airport associations in our response. Nevertheless, these issues are of crucial importance for the future existence of these airports and we recommend that EASA considers and takes on board as many of these comments as possible.

response *Noted*

comment *1293* comment by: *Munich Airport International*

- References to ICAO Documents within tables, figures and text need to be removed or aligned with EASA references.
- Numeration of figures and tables needs to be consistent
- Repeating paragraphs with the same content need to be removed (e.g. DSN.H.425 (f),(g),(h) or DSN.M.760 (c))
- No proposed Amendments to ICAO Documents should be included into EASA as long as there not finally agreed by ICAO.
- Within these requirements the responsibility of the aerodrome operator is significantly increased. More and more issue are brought under the responsibility of the aerodrome operators without responsible authorities. This heavily conflicts with national law.

response *Noted*

Concerning the adoption of the proposals included in ICAO SL 41-2011, the Agency decided not to follow them for the time being.

comment *1428* comment by: *Geneva International Airport (ROMIG)*

Oevrall, these new regulatory requirements significantly increase the responsibility of the aerodrome operator. More and more issues are brought under the responsibility of the aerodrome operators without, in some cases, providing adequate authority for the application of these requirements. In addition the increase in regulatory burden provided by these rules will create a situation where significant additional administration is necessary. Recently, within the EU a lot of effort has been put in place to reduce the administrative load enforced by governments. The detailed descriptions and prescriptive requirements provided by this regulation will increase the administrative workload and administrative costs for aerodrome operators and national authorities. The Implementing Rules (IR) should be less detailed and more like a framework. Many AMCs and CS should be transferred into Guidance Material (GM).

The provisions for **flexibility, customised compliance and proportionality** given under the existing ICAO system, are not satisfactorily reflected in the NPA documents. This is particularly the case when ICAO recommendations have been transposed to the same level as standards through their inclusion in CSs - found in Book III.

In terms of **document format and quality**, EASA must make consistency checks with regards to the usage of the contents of ICAO State Letter 41 and ensure that only SARPS which are officially published and applicable under the ICAO regulatory framework are used in establishing EASA documentation. In addition, especially in the cases where EASA copies ICAO tables, figures or illustrations into their documents, the Agency should ensure that ICAO references are deleted and aligned with EASA documentation. This is the case in many sections of Book B.III. Currently, the ICAO reference material used is not adequately cleaned up. It could even be a good proposition to re-develop the diagrams and drawings rather than copy and paste them directly into the EASA materials.

The overall structure of the rules and the cross reference system used in this regulation makes the documents complex to read and understand. The Agency specifies in ADR.OR.E.005 that aerodrome operators are required to observe "*human factors principles*" and organise their aerodrome manuals in a manner that "*facilitates preparation, use and review*". EASA documents should follow these same principles. In addition, a consistent numbering and labeling standard should be adopted for all tables and figures as well as their references. For example, AMC2.ADR.OPS.B.075 or AMC4-ADR-OPS.B.010 or GM1-ADR.AR.C070(b).

response *Noted*

Aerodrome operators responsibilities: The Basic Regulation attributed a number of responsibilities to aerodrome operators (Essential Requirements Part B). However, the Agency has developed an Implementing Rule in Annex III to handle situations where such responsibility does not lie directly with aerodrome operators (ADR.OPS.B.001).

Flexibility, customised compliance and proportionality: The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community. Flexibility at the AMC/CS level is for all requirements given by installation of AMCs, ELOS and SCs regardless of its status on ICAO level. This issue is further explained in the Explanatory Note.

ICAO SL 41: Concerning the adoption of the proposals included in ICAO SL 41-2011, the Agency decided not to follow them for the time being. References to tables and figures are corrected.

Overall structure: Overall structure of the rules is kept the same for all domains under EASA remit.

comment 1436

comment by: MST / STR - Stuttgart Airport

General Comments concerning the EASA-NPA - overall:

- The overall impression of the proposed framework is that of an unnecessarily detailed system which will put huge administrative burdens on both the Member States' authorities and airport operators as well with only small-scale added value.

- The provisions for flexibility, customized compliance and proportionality given under the existing ICAO system, are not satisfactorily reflected in the NPA documents although this was always stated by EASA as a basis for the Rulemaking process and the implementing of the whole EASA System concerning airport safety!
- This is not transparent and not comprehensible!
- Instead the EASA-NPA will produce enormous expenses both for the authorities and the airport operators without bringing a real benefit concerning the matter of airport safety or any sustainable improvement in comparison to the hitherto existing system especially based on ICAO!
- Thus we cannot see any acceptable cost-value ratio of the new EASA System / EASA-NPA , not only because of the additional enormous administrative, financial, organizational burdens resulting out of the EASA-NPA but also concerning the matter of safety!
- Since all European Member States are equally Contracting States of ICAO and thus bound to the ICAO Convention and its annexes, a European system for Aerodromes should respect the worldwide agreed principles of ICAO and refrain from creating special European conditions **which jeopardize the competitiveness of the European aviation industry compared to other ICAO members.**
- Keeping the ICAO system of differentiating between Standards and Recommended Practices is therefore of utmost importance. Unfortunately, this principle is - as already mentioned - not fully reflected in the NPA.
- Instead especially the System of EASA Soft Law (e.g. CS but also AMC´s) does not distinguish between Standards and Recommendations and insofar incomprehensibly deviates from the internationally proved and tested ICAO System. This is not what EASA has always assured since the beginning of the Rule Making Process.
- Consequently we strongly recommend either to reflect the previous ICAO System in the EASA Soft Law (i.e. to distinguish between Standards and Recommendations with different handling accordingly => e.g. NO ELOS / DAAD / AMOC required if the aerodrome operator does not meet the recommendations) OR - and this is what Stuttgart Airport prefers - to especially move the recommendations to the GM!
- Accordingly, Stuttgart Airport strongly recommend to have another round of discussion with Member States and stakeholders as well as airport operators before notifying EASA's opinion on the NPA to "CION".
- A new framework like the EASA-NPA setting rules for each and every aspect of aerodrome regulation, has to be created with

	<p>utmost prudence, as airports are only one part of the international aviation system.</p> <ul style="list-style-type: none"> • In any case, this framework should be revised in appropriate time after its entering into force to evaluate its benefit for overall safety of European Airports in relation to the administrative burden it creates.
response	<p><i>Noted</i></p> <p>Administrative burden: Partially accepted. This review process has taken place in what concerns IRs, AMCs and CSs. The Agency extensively reviewed its approach to notifications from the competent authorities to the Agency. Where possible, it deleted these notifications or made them information requirements.</p> <p>Flexibility, customised compliance and proportionality: The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community. Flexibility at the AMC/CS level is for all requirements given by installation of AMCs, ELOS and SCs regardless of its status on ICAO level. This issue is further explained in the Explanatory Note.</p> <p>Transparency: Noted.</p> <p>Expenses/cost value ratio: The Agency has reviewed and reduced the interactions of the operator and the authority. The rules for aerodrome design will not per se incur cost. They are reflecting Annex 14.</p> <p>ICAO SARPs: This issue is explained in the Explanatory Note to the CRD.</p> <p>Consultation: The EASA rulemaking procedure already foresees ample consultation with stakeholders and their active participation in the rulemaking process (i.e. RM groups). ACI represented airports interests in the RM task that led to the NPA.</p>
comment	<p>1498 comment by: <i>ADP : Aeroports de Paris</i></p> <p>ADP (Aéroports de Paris) fully support the comments and justification as submitted by ACI Europe. In addition to those, ADP has submitted his own comments, more specifically for France and the Paris airports.</p>
response	<p><i>Noted</i></p>
comment	<p>1536 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #11</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I-III) Com gal 7</p> <p>Langue</p> <p>Traduction de courtoisie</p> <p>UAF draw the attention of EASA on the fact that its futures rules shall be understood by all the actors, who have to use them. Consequently, these rules shall be written in the national language of the State and not only in English.</p>

§2.2.2 of the « Regulatory Impact Assessment » (page 15/130) giving the number of French airports entering the scope of the future EASA rules indicate that many of them are French: "Looking at the result for individual Member States, France has two peculiarities in this European picture : it has the largest number of aerodromes (159) and it is also the country with the highest number of aerodromes below the BR threshold (72 i.e. in relative share 45%...[...]" French airports are so particularly interested to know, understand and appreciate the impact of the EASA rules of this NPA.

The consultation, only in English, does not allow to French airports operators, having no sufficient translation means, to know, understand and correctly appreciate the impact of the rules proposed in this NPA. Consequently, French aerodrome operators are not able to use all their rights, which are recognized by article 6.1 of the "rulemaking procedure", applicable for the redaction and the publication of NPA: "Any person or organisation with an interest in the rule under development shall be entitled to comment on the basis of the published NPA, without discrimination on the basis of nationality".

Article 32-2 of the basic regulation (CE N°216/2008) indicates that all the translation works required for the EASA functioning are performed by the translation center of the EU.

It is also in line with ADR.OR.E.005 (i) related to the aerodrome manual. Indeed, it is indicated that the aerodrome manual shall reflect the basis certification and shall be in a language acceptable by the competent authority and understandable by everyone, who has to use it. So, IR-OPS, AMC and CS, elements of the certification basis shall be written in the official language recognized by the Member State.

Besides, this requirement of the use of the official language appears in most of national constitutions.

In consequence, the EASA regulation shall be written in French to be correctly applied on French aerodromes.

It is why, UAF ask EASA to answer to the following questions.

1. How the fact to have no French version of EASA rules could be considered as compliant with article 58-2 of the basic regulation on transparency and communication ? This article indicates that the agency ensure the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its.
2. How the fact to have no French version of EASA rules could be considered as compliant with the « Rulemaking Procedure » applicable for the redaction and publication of the NPA (§2 Explanatory Note page 5/22) ? This « Rulemaking Procedure » is the subject of the EASA Management Board Decision 08-2007 –Decision amending and replacing the Rulemaking Procedure – MB Meeting 03-2007- in application of article 52 of the basic regulation. In particular, How the fact to have no French version of EASA rules could be considered as compliant with article 6-1 of the EASA Rulemaking Procedure and article 52-1-c) of the basic regulation ("the procedures ensure ensure that the Agency publishes documents and consults widely with interested parties...").
3. How the fact to have no French version of EASA rules could be considered as compliant with the article 22 of the Charter of fundamental rights of the European Union (2010/C 83/02) which stipulates that the European Union respects the linguistic diversity?
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5. How the fact to have no French version of EASA rules could be considered as compliant with article 342 of the Treaty on the functioning of European Union (former article 290) et of the regulation n°1 (modified) governing the languages of the European Union (in particular articles 1, 2 et 4)? These articles give the list of the official languages and the work languages of the EU institutions, including French among others. They also indicate that the r delivered by the EU institutions to a member State or at a citizen of this Member State shall be in the official language of this State and that the general texts are written in official languages.

6.If the answers to the here above questions would not be satisfactory vis-à-vis the applicable rules, how EASA plans to correct the NPA process used and to proceed for the publication of its set of rules ?

response *Noted*

comment *1537* comment by: *Euroairport Bâle-Mulhouse*

Attachment [#12](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I-III) Com gal 6

Arrangements

Traduction de courtoisie

In different member States including France, public authorities have an essential role concerning airport safety and are in charge of specific powers to this end.

In France the constitutional framework implies that some missions are assumed by a public authority such as the "préfets" who are in charge and have the power to enforce law and order on the aerodromes and also outside the aerodromes whether it is for the definition or the application of the rules.

With the EASA projects, these missions will not be affected to the public authority anymore but to the aerodrome operator by the way of arrangements between itself and others entities providing services at the airport (MET, security, airlines...)

In order to facilitate the implementation of the future regulation, UAF suggests that every rule taken by a public authority, including rules adopted by the "préfets" must be considered as arrangements and this must be written in the EASA project.

response *Noted*

comment *1538* comment by: *Euroairport Bâle-Mulhouse*

Attachment [#13](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I-III) Com gal 5

Forme

Traduction de courtoisie

The structure of the rules and cross references makes the document complex to read and understand.

response *Accepted*

comment

1539

comment by: *Euroairport Bâle-Mulhouse*Attachment [#14](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I-III) Com gal 4

Modification de l'annexe 14 de l'OACI

Traduction de courtoisie

UAF appreciates the spirit of cooperation shown by EASA during the NPA process. EASA has tried to find solutions for flexibility. However, this effort is still not sufficient because the results lead to a loss of flexibility in comparison with the ICAO system. It is notably due to the fact that EASA takes up indistinctly ICAO standards and ICAO recommendations. UAF strongly wish that EASA deals with ICAO recommendations and ICAO standards with different manners to keep the flexibility of ICAO system. So UAF proposes that EASA takes as principle to consider ICAO recommendations as good practices only and transpose them into GM. UAF admits that, after use of this principle, some ICAO recommendations (few) could be CS or AMC, for example the recommendation related to the runway width.

Moreover NPA reflects very partially and incompletely, the annex 14 modifications proposed by ICAO in its State letter n°41. These modifications have already been validated by the ICAO Air Navigation Commission and many ICAO experts. It is planned that these modifications would be applicable before the entry into force of EASA regulation.

UAF urges EASA to take up the contents of ICAO State Letter 41, also to anticipate the future ICAO annex 14, which will be more based on objectives or performances to reach than prescriptive rules. Such anticipation will prevent Europe from facing an obsolete regulation from its publication.

UAF reminds that Annex 14 has been thought out in the middle of the last century for airport design when there was still space around. Nowadays, the paradigm has changed because rules should be thought for aerodrome certification in an optimisation of space and resources. Existing annex 14 SARPS reflect very incompletely this new paradigm.

N.B.: in several comments about CS and AMC, UAF indicates that it is appropriate to transfer the CS or AMC into GM. Such transfer needs to rewrite the text so that the term "should" does not appear anymore.

Indeed, this term should be used only for CS and AMC in the present regulation.

response

Noted

comment

1540

comment by: *Euroairport Bâle-Mulhouse*Attachment [#15](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I-III) Com gal 3

Nombre de spécifications de certification (CS) et de moyens acceptables de conformité (AMC)

Traduction de courtoisie

Many efforts have been undertaken in the European Union to reduce the

administrative burden. But the text of the NPA contains a great volume of very specific rules. These provisions will considerably increase administrative burdens and costs.

Consequently, we strongly suggest on one hand to have Implementing rules (IR) less precise and to rather describe a general framework and on the other hand to transfer many AMC and CS into guidance material (GM). Many texts should be considered as examples to follow instead of being solutions indifferently imposed to anybody, it is even more valid knowing that many of them have no direct effects on safety.

response *Noted*

comment *1541* comment by: *Euroairport Bâle-Mulhouse*

Attachment [#16](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I-III) Com gal 2

Responsabilité de l'exploitant

Traduction de courtoisie

The EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in France. More and more missions have been put under the responsibility of aerodrome operator.

The rulemaking rationale should lead to counter balance this increase of responsibilities by conferring the necessary powers to the aerodrome operator in order to assume his new responsibilities. But the EASA regulation cannot confer such powers to the operator. Indeed, the repartition of responsibilities in member States is, in some cases, conducted under constitutional rules, for example when they are affected to public authorities, is largely out of the scope of the EASA.

Moreover, some provisions relating to the missions of the aerodrome operator do not take into account the principles of subsidiarity and proportionality. The safety of air transport must be assured without altering the repartition of the missions in member States. Each member States must have the possibility to designate authorities or entities in charge of the missions mentioned in the regulation notably concerning the obligation outside of the airport perimeter.

In others cases, the maintaining of competencies of public authorities is fixed by EU requirements. It is for example the case with the Directive (modified) n° 96/67/ CE dated 15 October 1996 related to the ground handling. Article 14 of this directive indicates that if the activity of a ground handler might be dependent on safety conditions of aircraft, equipment and persons, such conditions shall be defined and implemented by a public authority independent of the aerodrome operator through an agreement process. Consequently, the aerodrome operator has no power to forbid the access of a ground handler at the airport or to suspend this access for reasons related to safety. The draft of the future regulation to replace this directive does not modify this aspect (article 16 of the draft dated 16/03/2012).

Consequently, UAF suggests to insert a new article between article 2 and article 3 of the cover regulation :

Article 2 bis: "competent authorities"

Points 1 and 2 of article 3 of the cover regulation (« 1. Member States shall designate [...] No 216/2008. ») must be integrated in this new article 2 bis because they are the first rules about competent authority apart from the scope of monitoring, *stricto sensu*. These paragraphs are completed with the addition of the following paragraph: "When the responsibilities mentioned in the annexes of this regulation are assumed by an entity which is independent from the aerodrome operator, the competent authority shall ensure that all the essential requirements are covered and shall describe the allocation of these responsibilities in the approval terms of the certificate."

response *Noted*

comment **1543** comment by: *Euroairport Bâle-Mulhouse*

Attachment [#17](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I-III) Com gal 1

Objet et portée du règlement

Traduction de courtoisie

There is a doubt about the object and the scope of the EASA regulation on aerodromes, issue of the present NPA.

- Does this regulation create obligations towards other entities than the competent authority and the aerodrome operator such as local authorities or owners outside of the airport boundaries?
- Does the regulation creates rights for users of the airport and enables them to introduce court claims on this basis?

Besides, the legal applicability of others documents prepared by the EASA is uncertain. In its explanatory note (paragraph 16), the agency indicates that AMCs are non-essential and non-biding whereas the ADR.OR.A.015 is in contradiction with this affirmation: "*The aerodrome operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification*". This must imperatively be clarified because all comments on AMC are largely related to their juridical value.

UAF considers that EASA's regulation should only be related to the certification of aerodromes. This position is confirmed by the fact that every specification of the NPA have been provided only in the scope of an aerodrome certification.

To this end, UAF is in favour of a better delimitation of the regulation object at article 1 of cover regulation. Without such precision, the regulation would interfere with other activities which are note in the scope of competence of the EASA notably concerning ground handling, urbanism and public security.

response *Noted*

comment **1545** comment by: *Euroairport Bâle-Mulhouse*

Attachment [#18](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I-II) Com gal 8

response	<p>Respect du règlement de base</p> <p>Traduction de courtoisie The principle of the basic regulation to be proportionate to the size, the traffic, the category and the complexity of the aerodrome is not really reflected in the regulation.</p> <p><i>Noted</i></p>
comment	<p>1546 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #19</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) Com gal 9</p> <p>Changement d’exploitant</p> <p>Traduction de courtoisie UAF considers that the case of aerodrome operator is not correctly and sufficiently dealt with. The EASA seems to have an idealistic view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality. UAF suggests inspiring from the existing rule in France with the possibility to introduce time limited certificates. Thus, the change of aerodrome operator would be resolved by the grant of a temporary certificate which enables, on one hand, the operator to manage the airport and on the other hand, the competent authority to ensure that the regulation is properly implemented on the airport by the operator.</p>
response	<p><i>Noted</i></p>
comment	<p>1556 comment by: <i>CAA Norway</i></p> <p>Check the use of the terms process/procedure to ensure the right term is used in each paragraph, not to put extra burden on the authority if not intended.</p>
response	<p><i>Partially accepted</i></p> <p>Partially accepted wherever this was brought up.</p>
comment	<p>1557 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #20</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I et III) Com gal 11</p> <p>Références aux Guidance Materials dans les articles de l’Implementing Rules ou les Spécifications de certification</p> <p>Traduction de courtoisie For the consistency of the regulation, references to Guidance Materials (GM) must not be included in Certification Specifications (CS) or Implementing Rules (IR) and have to be developed in specific notes.</p>

	Otherwise, it implies that GM has the same value as CS or IR. It shall not be the case.
response	<i>Noted</i>
comment	<p>1620 comment by: <i>Turin Airport - TRN/LIMF</i></p> <p>Turin Airport fully supports the comments and justifications as submitted by ACI Europe. In addition to that, together with ASSAEROPORTI we have submitted further comments in this CRT.</p> <p>In particular, considering the Italian regulation, some competences and activities are on charge of other parties (i.e. RFF or ANS). For this reason Local legislation should be considered as arrangements.</p> <p>However the EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in Italy. Consequently, we suggest to insert a reference to "competent authorities" in order to ensure their responsibilities in the certification process.</p>
response	<i>Noted</i>
comment	<p>1621 comment by: <i>Assaeroporti - Associazione Italiana Gestori Aeroporti</i></p> <p>ASSAEROPORTI fully supports the comments and justifications as submitted by ACI Europe. In addition, ASSAEROPORTI has submitted extra comments and justifications in this CRT.</p> <p>In particular, based on the Italian regulation, some competencies and activities are on charge of third parties (i.e. Rescue and Fire Fighting or Air Navigation Service). For this reason local legislation should be considered as arrangement.</p> <p>Furthermore, the EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in Italy. Consequently, we suggest to insert a reference to "competent authorities" in order to ensure their responsibilities in the certification process.</p>
response	<i>Noted</i>
comment	<p>1800 comment by: <i>Zürich Airport</i></p> <p>We are reading and commenting the NPAs based on the assumption and explanation of EASA that Agency intends to standardise the national civil aviation authorities and not the airports and that relation between national CAA and the airports will remain the same.</p> <p>Under this assumption we do consider that the EC Regulation Nr. 216/2008 and the Implementing Rules (IR) are adequate and sufficient regulating mechanism which should be implemented on the national level to each EASA member state. Having this in consideration, we strongly support the implementation of EC Regulation 216/2008 and of the IRs specified in Article 8a as unifying regulation on a national level but we do</p>

	suggest on the same time to keep ICAO Annex 14 unchanged in use on the operational/technical level.
response	<i>Noted</i>
comment	<p>1844 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>In general, there is a risk that is posed by the fact that this regulation transposes ICAO regulation into European regulation. When two levels of regulation, both applicable to the operators have to co-exist, there is a serious risk of confusion and even potential safety relevant non-compliances or miss-applications of the regulatory frameworks.</p> <p>EASA should consider the possibility to create links between the regulations - such as references - that would allow a sigle reference point and avoid duplication.</p> <p>This is in particular an important issue when the regulation is conflicting.</p>
response	<p><i>Noted</i></p> <p>EU rules will replace national rules for those airports that are in the scope of the BR.</p>
comment	<p>1854 comment by: <i>ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen</i></p> <p><u>General comments</u></p> <ul style="list-style-type: none"> • References to ICAO Documents within tables, figures and text need to be removed or aligned with EASA references. • Numeration of Figures and tables needs to be consistent • Repeating paragraphs with the same content need to be removed (e.g. DSN.H.425 (f),(g),(h) or DSN.M.760 (c)) • No proposed Amendments to ICAO Documents should be included into EASA as long as there not finally agreed by ICAO. • There are chapters, which are making reference to tables which are not included. • The provisions for flexibility, customised compliance and proportionality given under the existing ICAO system, are not satisfactorily refelcted in the NPA documents although this was stated by EASA as a basis for the Rulemaking process. It is notably due to the fact that recommendations have been transposed to the same level as standards. To reflect the necessity for flexibility, customised compliance and proportionality numbers, figures and tables should be moved from CS to GM combined with adding the purpose and need for a certain design element to CS as a basis for its application.
response	<p><i>Noted</i></p> <p>Concerning the adoption of the proposals included in ICAO SL 41-2011, the Agency decided not to follow them for the time being.</p>

comment	<p>1881 comment by: <i>Birmingham Airport - BHX/EGBB</i></p> <p>Birmingham Airport recognises and appreciates the level of industry engagement undertaken in the development of the suggested rules and NPA documentation. In particular the emphasis given to finding flexible solutions to concerns raised through the process of developing the proposed rules is very positive. There remain a small number of issues in the NPA that must be addressed adequately to ensure that the new rules are a success</p>
response	<p><i>Noted</i></p>
comment	<p>1884 comment by: <i>Birmingham Airport - BHX/EGBB</i></p> <p>As a general point there still remains too much detail in many of the Implementing Rules and this burden would be greatly reduced by transferring many of the suggested AMCs and CS's into Guidance Material.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency did review the rules with a view to what can be brought into GM.</p>
comment	<p>1894 comment by: <i>Birmingham Airport - BHX/EGBB</i></p> <p>The layout of the rules and ease of use needs to be improved before use as Aerodrome certification reference documents - the proposed layout is too difficult to navigate around and could be improved. In replacing the national manuals the EASA material must be easily usable for reference purposes with ideally all of a particular subject matter grouped together. In ADR .OR.E.005 'operators are required to observe human factors principles and organise their aerodrome manuals in a manner that facilitates preparation, use and review. The same principles should apply to the EASA material or there is a real risk that a multitude of national manuals will be developed to address this useability deficiency and increase the risk of inconsistency.</p>
response	<p><i>Noted</i></p>
comment	<p>1899 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #21</p> <p>ADBM - NPA 2011-20 (B.I-III) Com gal 1</p> <p>Objet et portée du règlement</p> <p>There is a doubt about the object and the scope of the EASA regulation on aerodromes, issue of the present NPA.</p> <ul style="list-style-type: none"> • Does this regulation create obligations towards other entities than the competent authority and the aerodrome operator such as local authorities or owners outside of the airport boundaries? • Does the regulation creates rights for users of the airport and enables them to introduce court claims on this basis?

Besides, the legal applicability of others documents prepared by the EASA is uncertain. In its explanatory note (paragraph 16), the agency indicates that AMC's are non-essential and non-bidding whereas the ADR.OR.A.015 is in contradiction with this affirmation: "*The aerodrome operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification*". This must imperatively be clarified because all comments on AMC are largely related to their juridical value.

ADBM considers that EASA's regulation should only be related to the certification of aerodromes. This position is confirmed by the fact that every specification of the NPA have been provided only in the scope of an aerodrome certification.

To this end, ADBM is in favour of a better delimitation of the regulation object at article 1 of cover regulation. Without such precision, the regulation would interfere with other activities which are note in the scope of competence of the EASA notably concerning ground handling, urbanism and public security.

response *Noted*

comment

1901

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#22](#)

ADBM - NPA 2011-20 (B.I-III) Com gal 2

Responsabilité de l'exploitant

Traduction de courtoisie

The EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in France. More and more missions have been put under the responsibility of aerodrome operator.

The rulemaking rationale should lead to counter balance this increase of responsibilities by conferring the necessary powers to the aerodrome operator in order to assume his new responsibilities. But the EASA regulation cannot confer such powers to the operator. Indeed, the repartition of responsibilities in member States is, in some cases, conducted under constitutional rules, for example when they are affected to public authorities, is largely out of the scope of the EASA. Moreover, some provisions relating to the missions of the aerodrome operator do not take into account the principles of subsidiarity and proportionality. The safety of air transport must be assured without altering the repartition of the missions in member States. Each member States must have the possibility to designate authorities or entities in charge of the missions mentioned in the regulation notably concerning the obligation outside of the airport perimeter.

In others cases, the maintaining of competencies of public authorities is fixed by EU requirements. It is for example the case with the Directive (modified) n° 96/67/ CE dated 15 October 1996 related to the ground handling. Article 14 of this directive indicates that if the activity of a ground handler might be dependent on safety conditions of aircraft, equipment and persons, such conditions shall be defined and implemented by a public authority independent of the aerodrome operator through an agreement process. Consequently, the aerodrome operator has no power

to forbid the access of a ground handler at the airport or to suspend this access for reasons related to safety. The draft of the future regulation to replace this directive does not modify this aspect (article 16 of the draft dated 16/03/2012).

Consequently, ADBM suggests to insert a new article between article 2 and article 3 of the cover regulation :

Article 2 bis: "competent authorities"

Points 1 and 2 of article 3 of the cover regulation (« 1. Member States shall designate [...] No 216/2008. ») must be integrated in this new article 2 bis because they are the first rules about competent authority apart from the scope of monitoring, *stricto sensu*. These paragraphs are completed with the addition of the following paragraph: "When the responsibilities mentioned in the annexes of this regulation are assumed by an entity which is independent from the aerodrome operator, the competent authority shall ensure that all the essential requirements are covered and shall describe the allocation of these responsibilities in the approval terms of the certificate."

response *Noted*

comment

1904

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#23](#)

ADBM - NPA 2011-20 (B.I-III) Com gal 6

Arrangements

Traduction de courtoisie

In different member States including France, public authorities have an essential role concerning airport safety and are in charge of specific powers to this end.

In France the constitutional framework implies that some missions are assumed by a public authority such as the "préfets" who are in charge and have the power to enforce law and order on the aerodromes and also outside the aerodromes whether it is for the definition or the application of the rules.

With the EASA projects, these missions will not be affected to the public authority anymore but to the aerodrome operator by the way of arrangements between itself and others entities providing services at the airport (MET, security, airlines...)

In order to facilitate the implementation of the future regulation, ADBM suggests that every rule taken by a public authority, including rules adopted by the "préfets" must be considered as arrangements and this must be written in the EASA project.

response *Noted*

comment

1922

comment by: *Aéroports De Lyon*

Commentaires **importants** pour l'exploitant:

1. D'une manière générale, les responsabilités du gestionnaire augmentent considérablement.

Problème: l'EASA ne peut conférer les pouvoirs nécessaires à l'application

des missions qu'elle exige.

En effet, le texte transfère des missions et les responsabilités des autorités publiques (ex: préfet, SNA) à l'exploitant ce qui n'est pas permis par le droit applicable, qui est contraire aux principes de subsidiarité et de proportionnalité et contraire à d'autres réglementations UE.

Si l'EASA ne modifie pas ce texte, les exploitants français se retrouveront dans une position où la loi française sera en contradiction avec la réglementation européenne. Dans une telle situation, quelles règles faudrait-il appliquer?

Solution proposée: Chaque état doit avoir la possibilité de désigner les entités chargées des missions exigées par l'EASA. (Pour résumer, l'EASA dit "QUOI" et les états membres disent "QUI")

2. La charge et les coûts administratifs augmentent considérablement. Les exigences sont trop détaillées, trop lourde pour un exploitant d'aérodrome à mettre en place.

Solution proposée: Alléger les IR

3. L'utilisation de la langue anglaise freine la bonne compréhension des textes. De plus, le fait que le texte ne soit pas traduit dans les langues nationales entre en contradiction avec plusieurs règles européennes en vigueur.

Exemple: EASA veille à ce que le public et toute partie intéressée reçoivent rapidement une information objective, fiable, et aisément compréhensible concernant ses travaux (Article 58-2 du règlement de base)

En quoi cela est-il respecté?

Finalement, les aérodromes français représentant 26% des aérodromes à certifier, il serait important d'avoir une version en langue française.

4. La proportionnalité des mesures en fonction de la taille (trafic) et complexité de l'aérodrome, annoncée dans le règlement de base n'est pas respecté. Article 8 paragraphe 6 "6. Les mesures visées au paragraphe 5:

- tiennent compte de l'état de l'art et des meilleures pratiques dans le domaine de l'exploitation,
- définissent différents types d'opérations d'exploitation et permettent que les exigences y afférentes et les preuves de conformité avec ces exigences soient proportionnées à la complexité de chaque type d'exploitation et au risque qu'elles impliquent, tiennent également compte de l'expérience acquise en service au niveau mondial dans le domaine de l'aviation, ainsi que des progrès scientifiques et techniques,
- sont initialement élaborées, en ce qui concerne le transport commercial par avion et sans préjudice du tiret précédent, sur la base des règles techniques et des procédures administratives communes précisées à l'annexe III du règlement (CEE) no 3922/91,
- reposent sur une évaluation des risques et doivent être proportionnelles à l'importance et à l'objet de l'exploitation,

— permettent de faire face immédiatement aux causes établies d'accidents et d'incidents graves,

— n'imposent pas aux aéronefs visés à l'article 4, paragraphe 1, point c), des exigences incompatibles avec les obligations qui incombent aux États membres dans le cadre de l'OACI,"

	<p><u>Solution proposée</u>: Il conviendrait de nuancer les exigences en fonction de ces critères.</p>
response	<p><i>Noted</i></p> <p>1. Aerodrome operators responsibilities: The Basic Regulation attributed a number of responsibilities to aerodrome operators (Essential Requirements Part B). However, the Agency has developed an Implementing Rule in Annex III to handle situations where such responsibility does not lie directly with the aerodrome operators (ADR.OPS.B.001).</p> <p>2. Administrative burden: Partially accepted. This review process has taken place in what concerns IRs, AMCs and CSs. The Agency extensively reviewed its approach to notifications from the competent authorities to the Agency. Where possible, it deleted these notifications or made them information requirements.</p> <p>3. Languages: Only IRs will be translated into the 23 EU languages. Unfortunately the translation of AMCs and CSs is not foreseen by the EASA Management Board.</p> <p>4. Flexibility, customised compliance and proportionality: The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community. Flexibility at the AMC/CS level is for all requirements given by installation of AMCs, ELOS and SCs regardless of its status on ICAO level. This issue is further explained in the Explanatory Note.</p>
comment	<p>1981 <i>comment by: Aéroport de Marseille - MRS/LFML</i></p> <p>Selon nous, les références aux Guidance Materials (GM) ne doivent jamais être comprises dans les Spécifications de Certification (CS) ni dans les Implementing Rules (IR) : elles doivent faire l'objet de notes spécifiques. Dans le cas contraire, cela laisse entendre que le GM a valeur de CS ou d'IR. Ce qui n'e doit pas être le cas</p> <p>We consider that the case of aerodrome operator is not correctly and sufficiently dealt with.</p> <p>The EASA seems to have an idealistic view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality.</p> <p>We suggest inspiring from the existing rule in France with the possibility to introduce time limited certificates. Thus, the change of aerodrome operator would be resolved by the grant of a temporary certificate which enables, on one hand, the operator to manage the airport and on the other hand, the competent authority to ensure that the regulation is properly implemented on the airport by the operator.</p> <p>The principle of the basic regulation to be proportionate to the size, the traffic, the category and the complexity of the aerodrome is not really reflected in the regulation.</p> <p>The EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in France. More and more missions have been put under the responsibility of aerodrome operator.</p> <p>The rulemaking rationale should lead to counter balance this increase of responsibilities by conferring the necessary powers to the aerodrome operator in order to assume his new responsibilities. But the EASA</p>

regulation cannot confer such powers to the operator. Indeed, the repartition of responsibilities in member States is, in some cases, conducted under constitutional rules, for example when they are affected to public authorities, is largely out of the scope of the EASA.

Moreover, some provisions relating to the missions of the aerodrome operator do not take into account the principles of subsidiarity and proportionality. The safety of air transport must be assured without altering the repartition of the missions in member States. Each member States must have the possibility to designate authorities or entities in charge of the missions mentioned in the regulation notably concerning the obligation outside of the airport perimeter.

In others cases, the maintaining of competencies of public authorities is fixed by EU requirements. It is for example the case with the Directive (modified) n° 96/67/ CE dated 15 October 1996 related to the ground handling. Article 14 of this directive indicates that if the activity of a ground handler might be dependent on safety conditions of aircraft, equipment and persons, such conditions shall be defined and implemented by a public authority independent of the aerodrome operator through an agreement process. Consequently, the aerodrome operator has no power to forbid the access of a ground handler at the airport or to suspend this access for reasons related to safety. The draft of the future regulation to replace this directive does not modify this aspect (article 16 of the draft dated 16/03/2012).

Consequently, we suggest to insert a new article between article 2 and article 3 of the cover regulation :

Article 2 bis: "competent authorities"

Points 1 and 2 of article 3 of the cover regulation (« 1. Member States shall designate [...] No 216/2008. ») must be integrated in this new article 2 bis because they are the first rules about competent authority apart from the scope of monitoring, *stricto sensu*. These paragraphs are completed with the addition of the following paragraph: "When the responsibilities mentioned in the annexes of this regulation are assumed by an entity which is independent from the aerodrome operator, the competent authority shall ensure that all the essential requirements are covered and shall describe the allocation of these responsibilities in the approval terms of the certificate."

Many efforts have been undertaken in the European Union to reduce the administrative burden. But the text of the NPA contains a great volume of very specific rules. These provisions will considerably increase administrative burdens and costs.

Consequently, we strongly suggest on one hand to have Implementing rules (IR) less precise and to rather describe a general framework and on the other hand to transfer many AMC and CS into guidance material (GM). Many texts should be considered as examples to follow instead of being solutions indifferently imposed to anybody, it is even more valid knowing that many of them have no direct effects on safety.

response *Noted*

comment 1982 comment by: *Aéroport de Marseille - MRS/LFML*

AMP appreciate the spirit of cooperation shown by EASA during the NPA process. EASA has tried to find solutions for flexibility. However, this effort is still not sufficient because the results lead to a loss of flexibility in comparison with the ICAO system. It is notably due to the fact that EASA takes up indistinctly ICAO standards and ICAO recommendations.

We strongly wish that EASA deals with ICAO recommendations and ICAO standards with different manners to keep the flexibility of ICAO system. So it is proposed that EASA takes as principle to consider ICAO recommendations as good practices only and transpose them into GM. AMP admits that, after use of this principle, some ICAO recommendations (few) could be CS or AMC, for example the recommendation related to the runway width.

Moreover NPA reflects very partially and incompletely, the annex 14 modifications proposed by ICAO in its State letter n°41. These modifications have already been validated by the ICAO Air Navigation Commission and many ICAO experts. It is planned that these modifications would be applicable before the entry into force of EASA regulation.

AMP urges EASA to take up the contents of ICAO State Letter 41, also to anticipate the future ICAO annex 14, which will be more based on objectives or performances to reach than prescriptive rules. Such anticipation will prevent Europe from facing an obsolete regulation from its publication.

We remind that Annex 14 has been thought out in the middle of the last century for airport design when there was still space around. Nowadays, the paradigm has changed because rules should be thought for aerodrome certification in an optimisation of space and resources. Existing annex 14 SARPS reflect very incompletely this new paradigm.

N.B.: in several comments about CS and AMC, we indicate that it is appropriate to transfer the CS or AMC into GM. Such transfer needs to rewrite the text so that the term "should" does not appear anymore. Indeed, this term should be used only for CS and AMC in the present regulation.

response *Noted*

comment **1983** comment by: *Aéroport de Marseille - MRS/LFML*

In different member States including France, public authorities have an essential role concerning airport safety and are in charge of specific powers to this end.

In France the constitutional framework implies that some missions are assumed by a public authority such as the "préfets" who are in charge and have the power to enforce law and order on the aerodromes and also outside the aerodromes whether it is for the definition or the application of the rules.

With the EASA projects, these missions will not be affected to the public authority anymore but to the aerodrome operator by the way of arrangements between itself and others entities providing services at the airport (MET, security, airlines...)

In order to facilitate the implementation of the future regulation, it is suggested that every rule taken by a public authority, including rules adopted by the "préfets" must be considered as arrangements and this must be written in the EASA project.

response *Noted*

comment **1986** comment by: *Aéroport de Marseille - MRS/LFML*

AMP draw the attention of EASA on the fact that its futures rules shall be understood by all the actors, who have to use them. Consequently, these

rules shall be written in the national language of the State and not only in English.

§2.2.2 of the « Regulatory Impact Assessment » (page 15/130) giving the number of French airports entering the scope of the future EASA rules indicate that many of them are French: "Looking at the result for individual Member States, France has two peculiarities in this European picture : it has the largest number of aerodromes (159) and it is also the country with the highest number of aerodromes below the BR threshold (72 i.e. in relative share 45%...[...]" French airports are so particularly interested to know, understand and appreciate the impact of the EASA rules of this NPA.

The consultation, only in English, does not allow to French airports operators, having no sufficient translation means, to know, understand and correctly appreciate the impact of the rules proposed in this NPA. Consequently, French aerodrome operators are not able to use all their rights, which are recognized by article 6.1 of the "rulemaking procedure", applicable for the redaction and the publication of NPA: "Any person or organisation with an interest in the rule under development shall be entitled to comment on the basis of the published NPA, without discrimination on the basis of nationality".

Article 32-2 of the basic regulation (CE N°216/2008) indicates that all the translation works required for the EASA functioning are performed by the translation center of the EU.

It is also in line with ADR.OR.E.005 (i) related to the aerodrome manual. Indeed, it is indicated that the aerodrome manual shall reflect the basis certification and shall be in a language acceptable by the competent authority and understandable by everyone, who has to use it. So, IR-OPS, AMC and CS, elements of the certification basis shall be written in the official language recognized by the Member State.

Besides, this requirement of the use of the official language appears in most of national constitutions.

In consequence, the EASA regulation shall be written in French to be correctly applied on French aerodromes.

It is why, we ask EASA to answer to the following questions.

1. How the fact to have no French version of EASA rules could be considered as compliant with article 58-2 of the basic regulation on transparency and communication ? This article indicates that the agency ensure the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its.

2. How the fact to have no French version of EASA rules could be considered as compliant with the « Rulemaking Procedure » applicable for the redaction and publication of the NPA (§2 Explanatory Note page 5/22) ? This « Rulemaking Procedure » is the subject of the EASA Management Board Decision 08-2007 -Decision amending and replacing the Rulemaking Procedure - MB Meeting 03-2007- in application of article 52 of the basic regulation. In particular, How the fact to have no French version of EASA rules could be considered as compliant with article 6-1 of the EASA Rulemaking Procedure and article 52-1-c) of the basic regulation ("the procedures ensure ensure that the Agency publishes documents and consults widely with interested parties...").

3. How the fact to have no French version of EASA rules could be considered as compliant with the article 22 of the Charter of fundamental rights of the European Union (2010/C 83/02) which stipulates that the European Union respects the linguistic diversity?

4. How the fact to have no French version of EASA rules could be considered as compliant with the interdiction of discrimination due to the

nationality as stipulated in article 18 of the Treaty on the functioning of European Union?

5. How the fact to have no French version of EASA rules could be considered as compliant with article 342 of the Treaty on the functioning of European Union (former article 290) et of the regulation n°1 (modified) governing the languages of the European Union (in particular articles 1, 2 et 4)? These articles give the list of the official languages and the work languages of the EU institutions, including French among others. They also indicate that the r delivered by the EU institutions to a member State or at a citizen of this Member State shall be in the official language of this State and that the general texts are written in official languages.

6.If the answers to the here above questions would not be satisfactory vis-à-vis the applicable rules, how EASA plans to correct the NPA process used and to proceed for the publication of its set of rules ?

response *Noted*

comment *2046* comment by: *AIRBUS*

As for ADR.AR.C.25 on Special Condition, a specific requirement ADR.AR.C.XX should be added on ELOS.

ELoS should be clearly defined and there should be a rule to specify its application.

response *Noted*

There is GM on the AR side on ELOS. There is no intension to define ELOS.

comment *2081* comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

1. Since all European Member States are equally contracting states of ICAO and thus bound to the ICAO convention and its annexes, a European system for aerodromes should respect the worldwide agreed principles of ICAO and refrain from creating special European conditions which jeopardize the competitiveness of the European aviation industry compared to other ICAO members. Therefore, the differentiating between Standards and Recommended Practices is of utmost importance. As this principle is not fully reflected (EASA: "*The structure of European rules, however, does not come with a tool exactly mirroring the character of an ICAO recommendation*"), we strongly advise that the NPA be changed/amended accordingly, e.g. by shifting all ICAO Recommended Practices from CS ADR DSN to GM!

2. Rules of Part-AR that refer to the authorities' management organization or to administrative procedures must be deleted, or be shifted to GM at least, as EASA/COM do not have any legal competence to create such detailed binding rules which would interfere with the Member States' sovereignty. EASA/COM are bound to the fundamental EC principles of subsidiarity and proportionality (Art. 5 EC Treaty). Furthermore, Art. 8a para 5 of the Basic Regulation (BR) does not contain any authorization to standardize the Member States authorities' internal management systems and administrative procedures. The Basic Regulation only authorizes EASA/COM to further establish substantive law provisions amending non-essential elements of the requirements set forth under Art. 8a BR. For

example, EASA/COM may establish rules prescribing the conditions / prerequisites for the issuance of aerodrome certificates but they may not establish detailed binding procedural rules on how to handle the issuance process! Instead of deleting the draft organizational / procedural rules, EASA/COM may decide that those rules be shifted to GM at least in order to allow for the necessary flexibility for customized compliance as required by Art. 8a para 6 subpara (e) BR.

response *Noted*

1. The issue of abiding by the rules with regard to ICAO SARPs raised here is explained in the Explanatory Note.
2. Please refer to the responses to comment No 2100 to the AR rules for further elements of answers to this.

comment

2163

comment by: Pau Pyrénées Airport - PUF/LFBP

Nombre de spécifications de certification (CS) et de moyens acceptables de conformité (AMC)

A l'intérieur de l'Union européenne, beaucoup d'efforts ont été entrepris pour réduire la charge administrative.

Or, le texte de la présente NPA comporte un nombre colossal de règles très précises.

Les descriptions et amendements détaillés dans ces exigences de l'AESA vont accroître la charge administrative et les coûts administratifs.

En conséquence, nous suggérons fortement que les règles d'application (IR) soient moins détaillées, qu'elles soient conçues pour fixer un cadre général et que beaucoup d'AMC et de CS soient transférés en éléments informatifs (GM). Ainsi, de nombreux textes doivent plutôt être considérés comme des exemples à suivre et non comme des solutions imposées indifféremment à tous, d'autant que beaucoup d'entre eux n'ont pas d'effets directs sur la sécurité.

Traduction de courtoisie

Many efforts have been undertaken in the European Union to reduce the administrative burden. But the text of the NPA contains a great volume of very specific rules. These provisions will considerably increase administrative burdens and costs.

Consequently, we strongly suggest on one hand to have Implementing rules (IR) less precise and to rather describe a general framework and on the on the hand to transfer many AMC and CS into guidance material (GM). Many texts should be considered as examples to follow instead of being solutions indifferently imposed to anybody, it is even more valid knowing that many of them have no direct effects on safety.

response *Noted*

comment

2199

comment by: Pau Pyrénées Airport - PUF/LFBP

Objet et portée du règlement

Commentaire

La rédaction du règlement de l'AESA et des autres documents soumis à consultation ne permet pas de déterminer avec certitude l'objet et la portée juridique de ces textes.

Le règlement de l'AESA ne peut pas s'opposer au droit des Etats.

En effet il n'est pas possible de savoir si le règlement :

- d'une part crée des obligations pour d'autres personnes que l'autorité compétente et l'exploitant d'aérodrome ainsi que leurs préposés, par exemple des collectivités locales ou des propriétaires à l'extérieur du périmètre aéroportuaire,
- d'autre part si le règlement est créateur de droits au profit des usagers qui pourraient engager des recours sur la base de celui-ci.

Par ailleurs, la portée juridique des autres documents préparés par l'AESA demeure incertaine. Ainsi, dans sa notice explicative (paragraphe 16), l'Agence indique que les moyens acceptables de conformité (AMC) ne sont pas essentiel (non-essential) et ne sont pas contraignants (non-binding). Or, la rédaction de l'ADR.OR.015 est en contradiction avec cette affirmation : l'exploitant d'aérodrome ne peut s'écarter d'un AMC, au moyen d'un moyen alternatif de conformité, que sur autorisation expresse de l'autorité compétente. Ce sujet doit impérativement être clarifié car les commentaires qui peuvent être fait sur les AMC dépendent en très grande partie de leur portée juridique.

L'aéroport Pau-Pyrénées estime que la réglementation de l'AESA ne devrait concerner que la certification des aérodromes. Pour cela, elle s'appuie sur le fait que toutes les spécifications de la NPA ne sont prévues que dans un cadre de certification de l'aérodrome.

L'aéroport Pau-Pyrénées est donc favorable à ce que l'objet de la réglementation soit mieux délimité par l'article 1er du règlement d'exécution ("cover regulation"). A défaut d'une telle précision, le règlement de l'AESA viendrait interférer avec d'autres domaines échappant au domaine de compétences de l'AESA, notamment relatives à l'assistance en escale, aux règles d'urbanisme ou à la sécurité civile.

Plus généralement sur un plan politique, l'AESA se positionne sur une réglementation supra-national qui remet en question l'organisation des Etats et le rôle de leur gouvernement.

Traduction de courtoisie

There is a doubt about the object and the scope of the EASA regulation on aerodromes, issue of the present NPA.

- Does this regulation create obligations towards other entities than the competent authority and the aerodrome operator such as local authorities or owners outside of the airport boundaries?

- Does the regulation creates rights for users of the airport and enables them to introduce court claims on this basis?

Besides, the legal applicability of others documents prepared by the EASA is uncertain. In its explanatory note (paragraph 16), the agency indicates that AMCs are non-essential and non-biding whereas the ADR.OR.A.015 is in contradiction with this affirmation: "The aerodrome operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification". This must imperatively be clarified because all comments on AMC are largely related to their juridical value.

Pau Pyrenees airport considers that EASA's regulation should only be related to the certification of aerodromes. This position is confirmed by the fact that every specification of the NPA have been provided only in the scope of an aerodrome certification.

To this end, Pau Pyrenees airport is in favour of a better delimitation of the regulation object at article 1 of cover regulation. Without such precision, the regulation would interfere with other activities which are note in the scope of competence of the EASA notably concerning ground handling, urbanism and public security.

response *Noted*

comment 2205 comment by: *Pau Pyrénées Airport - PUF/LFBP*

Modification de l'annexe 14 de l'OACI

L'esprit de coopération dont a fait preuve l'AESA dans l'élaboration de la NPA a été très apprécié. En effet l'Agence a essayé de trouver certaines flexibilités pour les aérodromes. Malheureusement ces flexibilités s'avèrent insuffisantes car le projet de réglementation présenté aboutit en effet à une perte de la flexibilité procurée par le système OACI.

Ainsi le règlement reprend les normes et les recommandations de l'Annexe 14 de l'OACI de manière indifférenciée.

Pau Pyrenees airport souhaite fortement que les normes et recommandations de l'Annexe 14 ne soient pas traitées de la même manière afin de garder cette souplesse.

Aussi, nous proposons que l'AESA prenne comme principe que les recommandations de l'Annexe 14 soient considérées comme des règles de l'art et reprises comme éléments informatifs (GM).

Nous admettons cependant, qu'après application de ce principe, certaines recommandations de l'OACI (peu nombreuses) puissent être remontées en spécification de certification (CS) ou en moyen acceptable de conformité (AMC), par exemple la recommandation relative aux largeurs de piste.

Par ailleurs, la NPA reprend de manière très parcellaire et incomplète les modifications de l'annexe 14 proposées par l'OACI dans sa lettre aux Etats n°41. Or ces modifications ont reçu l'aval de la commission « navigation aérienne » de l'OACI et de nombreux experts de cette organisation et elles doivent être applicables avant la date d'entrée en vigueur du règlement de l'AESA relatif aux aérodromes.

En conséquence nous considérons que l'AESA devrait reprendre globalement ces modifications afin aussi d'anticiper la future annexe 14 de l'OACI qui sera davantage fondée sur des objectifs ou performances à atteindre que sur des règles prescriptives.

Une telle anticipation évitera à l'Union européenne de se trouver confrontée à une réglementation obsolète dès sa publication.

L'UAF rappelle que l'annexe 14 a été pensée au milieu du siècle dernier pour la conception des aérodromes à une époque où l'espace pour créer de telles infrastructures ne manquait pas. Depuis, le paradigme a changé puisqu'il s'agit aujourd'hui d'avoir des règles pour certifier les aérodromes dans un contexte d'optimisation des ressources et de l'espace. Ce que les règles actuelles de l'annexe 14 ne reflètent que très incomplètement encore.

N.B. : dans plusieurs de ses commentaires détaillés sur les CS et les AMC, faut déplacer tel CS en GM. Il faut comprendre aussi que cela nécessite généralement une réécriture pour que n'apparaisse plus le terme « should » qui, dans le cadre de la réglementation AESA, ne devrait être utilisé que pour des CS ou des AMC.

Traduction de courtoisie

Pau Pyrenees airport appreciates the spirit of cooperation shown by EASA during the NPA process. EASA has tried to find solutions for flexibility. However, this effort is still not sufficient because the results lead to a loss of flexibility in comparison with the ICAO system. It is notably due to the fact that EASA takes up indistinctly ICAO standards and ICAO recommendations.

We strongly wish that EASA deals with ICAO recommendations and ICAO standards with different manners to keep the flexibility of ICAO system.

So we propose that EASA takes as principle to consider ICAO recommendations as good practices only and transpose them into GM.

We admit that, after use of this principle, some ICAO recommendations (few) could be CS or AMC, for example the recommendation related to the runway width.

Moreover NPA reflects very partially and incompletely, the annex 14 modifications proposed by ICAO in its State letter n°41. These modifications have already been validated by the ICAO Air Navigation Commission and many ICAO experts. It is planned that these modifications would be applicable before the entry into force of EASA regulation.

We urge EASA to take up the contents of ICAO State Letter 41, also to anticipate the future ICAO annex 14, which will be more based on objectives or performances to reach than prescriptive rules. Such anticipation will prevent Europe from facing an obsolete regulation from its publication.

We remind that Annex 14 has been thought out in the middle of the last century for airport design when there was still space around. Nowadays, the paradigm has changed because rules should be thought for aerodrome certification in an optimisation of space and resources. Existing annex 14 SARPS reflect very incompletely this new paradigm.

N.B.: in several comments about CS and AMC, UAF indicates that it is appropriate to transfer the CS or AMC into GM. Such transfer needs to rewrite the text so that the term "should" does not appear anymore. Indeed, this term should be used only for CS and AMC in the present regulation.

response *Noted*

comment 2225

comment by: *Pau Pyrénées Airport - PUF/LFBP*

Forme

	<p>La structure des règles et les références croisées rendent la lecture des documents complexe et difficile à comprendre.</p> <p>The structure of the rules and cross references makes the document complex to read and understand.</p>
response	Accepted
comment	<p>2226 comment by: Pau Pyrénées Airport - PUF/LFBP</p> <p>Responsabilité de l'exploitant Commentaire</p> <p>Le règlement de l'AESA augmente de manière significative le nombre de missions de l'exploitant d'aérodrome par rapport à la situation existante, du moins en France.</p> <p>La logique règlementaire devrait amener à contre balancer cette augmentation en donnant les pouvoirs nécessaires à l'exploitant d'aérodrome pour effectuer ces nouvelles missions. Or, le présent règlement ne peut pas conférer de tels pouvoirs à l'exploitant pour l'ensemble des missions qui lui sont confiées.</p> <p>En effet, la répartition des missions qui répond parfois à des exigences constitutionnelles comme c'est le cas lorsqu'elles sont attribuées aux autorités publiques, échappe en grande partie aux compétences de l'AESA. De plus, certaines dispositions portant sur les missions de l'exploitant d'aérodrome ne tiennent pas compte des principes de subsidiarité et de proportionnalité.</p> <p>La sécurité du trafic aérien doit être assurée sans bouleverser la répartition actuelle des compétences au sein de chacun des Etats. Chaque Etat doit conserver la possibilité de désigner les autorités et organismes en charge des missions visées par le règlement, notamment s'agissant des mesures qui doivent être mises en œuvre à l'extérieur du périmètre de l'aéroport.</p> <p>Dans certains autres cas le maintien des compétences des autorités publiques répond à des exigences fixées par L'union Européenne. A titre d'exemple, la Directive 96/67/ CE du Conseil du 15 octobre 1996 (modifiée) qui organise l'accès au marché de l'assistance en escale dans les aéroports de la Communauté. Il résulte des dispositions de l'article 14 de la Directive précitée, que si l'activité d'un prestataire d'assistance en escale sur un aéroport peut être subordonnée à des conditions de sécurité des aéronefs, des équipements et des personnes, l'article 14 de la Directive ordonne que ces conditions soient définies et appliquées par une « autorité publique indépendante de l'entité gestionnaire de l'aéroport » au travers de la procédure d'agrément. L'exploitant d'aéroport se voit par conséquent interdire la possibilité de refuser l'accès à l'aéroport ou retirer un accès préalablement consentis à un assistant en escale au motif que son activité ne respecterait pas les critères de sécurité des aéronefs, des équipements et des personnes. Sur ce point, le projet de Règlement (référence interinstitutionnelle 2011/0397(COD)) visant à remplacer la Directive précitée n'apporte pas d'évolution et maintien la dévolution des pouvoirs d'appréciations des conditions de sécurité des de l'aéroport, des aéronefs et de personnes à une autorité indépendante de l'exploitant d'aéroport (article 16 du projet en date du 16/03/2012).</p> <p>En conséquence l'aéroport Pau-Pyrénées fait la proposition de rajouter un nouvel article entre l'article 2 et l'article 3 de la « cover regulation » au livre I, développé ci-après.</p>

Proposition

Article 2 bis : "Autorités compétentes"

Les points 1 et 2 de l'article 3 de la « cover regulation » existant (« 1. Member States shall designate [...] No 216/2008. ») sont intégrés dans ce nouvel article 2 bis car ils sont les premières règles de constitution des autorités compétentes sortant du cadre stricto sensu de la surveillance.

Ces paragraphes sont complétés par l'ajout du paragraphe suivant: "Lorsque des missions indiquées dans les annexes au présent règlement sont assurées par une entité indépendante de l'exploitant d'aérodrome, l'autorité compétente vérifie que toutes les exigences essentielles sont couvertes et elle décrit la répartition des missions dans les clauses d'approbation du certificat."

Qui plus est un nombre croissant de missions équivaut à une augmentation des charges de l'exploitant. Face à ces charges, la taille de l'aéroport qui conditionne sa capacité financière, devient un critère important. Aujourd'hui, un aéroport atteint le grand équilibre aux environs d'1.5 millions de passagers. En deça de ce trafic, il ne pourra prendre en charge ces missions nouvelles qu'en augmentant ses tarifs et en perdant en compétitivité, au risque de les voir disparaître.

Traduction de courtoisie

The EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in France. More and more missions have been put under the responsibility of aerodrome operator.

The rulemaking rationale should lead to counter balance this increase of responsibilities by conferring the necessary powers to the aerodrome operator in order to assume his new responsibilities. But the EASA regulation cannot confer such powers to the operator. Indeed, the repartition of responsibilities in member States is, in some cases, conducted under constitutional rules, for example when they are affected to public authorities, is largely out of the scope of the EASA.

Moreover, some provisions relating to the missions of the aerodrome operator do not take into account the principles of subsidiarity and proportionality. The safety of air transport must be assured without altering the repartition of the missions in member States. Each member States must have the possibility to designate authorities or entities in charge of the missions mentioned in the regulation notably concerning the obligation outside of the airport perimeter.

In others cases, the maintaining of competencies of public authorities is fixed by EU requirements. It is for example the case with the Directive (modified) n° 96/67/ CE dated 15 October 1996 related to the ground handling. Article 14 of this directive indicates that if the activity of a ground handler might be dependent on safety conditions of aircraft, equipment and persons, such conditions shall be defined and implemented by a public authority independent of the aerodrome operator through an agreement process. Consequently, the aerodrome operator has no power to forbid the access of a ground handler at the airport or to suspend this access for reasons related to safety. The draft of the future regulation to replace this directive does not modify this aspect (article 16 of the draft dated 16/03/2012).

Consequently, Pau Pyrenees airport suggests to insert a new article between article 2 and article 3 of the cover regulation :

Article 2 bis: "competent authorities"

Points 1 and 2 of article 3 of the cover regulation (« 1. Member States shall designate [...] No 216/2008. ») must be integrated in this new article

2 bis because they are the first rules about competent authority apart from the scope of monitoring, stricto sensu. These paragraphs are completed with the addition of the following paragraph: "When the responsibilities mentioned in the annexes of this regulation are assumed by an entity which is independent from the aerodrome operator, the competent authority shall ensure that all the essential requirements are covered and shall describe the allocation of these responsibilities in the approval terms of the certificate."

response *Noted*

comment 2230 comment by: *Pau Pyrénées Airport - PUF/LFBP*

Langue

Pau airport attire l'attention de l'AESA sur le fait que ses futures règles doivent être comprises par tous les acteurs qui ont à l'utiliser. En conséquence, ces règles doivent être écrites dans la langue du pays et pas uniquement en langue anglaise.

Le §2.2.2 du « Regulatory Impact Assessment » (page 15/130) donnant le nombre d'aéroports de chaque Etat Membre touchés par la NPA indique que bon nombre d'aérodromes concernés sont français: « Looking at the result for individual Member States, France has two peculiarities in this European picture : it has the largest number of aerodromes (159) and it is also the country with the highest number of aerodromes below the BR threshold (72 i.e. in relative share 45%...[...]» . Les exploitants d'aéroports français sont donc spécialement intéressés à connaître, comprendre et apprécier la portée des règles rédigées par l'AESA et soumises à consultation dans le cadre de la NPA.

La consultation, uniquement en langue anglaise, ne permet pas aux exploitants d'aéroports français, ne disposant pas nécessairement des moyens de traduction suffisants, de connaître, comprendre et d'apprécier justement la portée des règles exposées dans la NPA. Par conséquent, les exploitants d'aéroports français ne sont pas mis en mesure de faire usage de tous les droits qui leur sont reconnus par l'article 6-1 « consultation » de la « Rulemaking Procedure » applicable lors de la rédaction et de la publication de la NPA. Cet article dispose que "Any person or organization with an interest in the rule under development shall be entitled to comment on the basis of the published NPA, without discrimination on the basis of nationality".

L'article 32-2 du Règlement de Base (CE N°216/2008) prévoit que les travaux de traduction requis pour le fonctionnement de l'AESA sont effectués par le Centre de traduction des organes de l'Union Européenne.

Cela rejoint aussi la règle ADR.OR.E.005 (i) relative au manuel d'aérodrome. Il est en effet indiqué que le manuel d'aérodrome doit refléter la base de certification et doit être dans une langue acceptable de l'autorité compétente et comprise par tout le personnel amené à l'utiliser. Aussi les IR-OPS, les AMC et les CS, éléments de la base de certification, doivent, a minima, être écrits dans la langue du pays concerné.

En outre, l'exigence d'utiliser la langue officielle compréhensible par tous se retrouve dans la plupart des Constitutions nationales.

En conséquence les règles de l'AESA relatives aux aérodromes doivent aussi être écrites en français pour pouvoir être correctement utilisées sur les aérodromes français.

C'est pourquoi, l'AESA doit apporter ses réponses aux questions suivantes :

1. En quoi l'absence de traduction en français de la NPA serait respectueuse de l'article 58-2 du Règlement de Base relatif à la transparence et à la communication ? Cet article stipule que l'Agence veille à ce que le public et toute partie intéressée reçoivent rapidement une information objective, fiable et aisément compréhensible concernant ses travaux.

2. En quoi l'absence de traduction en français de la NPA serait respectueuse de la « Rulemaking Procedure » applicable lors de la rédaction et de la publication de la NPA (§2 Explanatory Note page 5/22) ? Cette « Rulemaking Procedure » a été décidée par le Conseil d'Administration du 13 juin 2007 (EASA Management Board Decision 08-2007 –Decision amending and replacing the Rulemaking Procedure – MB Meeting 03-2007) en application de l'article 52 du Règlement de Base . En particulier, en quoi cette absence de traduction serait respectueuse de l'article 6-1 de la Rulemaking Procedure » (précité) et de l'article 52-1-c) du Règlement de Base stipulant que les procédures « garantissent que l'AESA procède à la diffusion des documents et à une large consultation des parties intéressées, ...[...] » ?

3. En quoi l'absence de traduction de la NPA, en français, serait respectueuse de l'article 22 de la Charte des Droits fondamentaux de l'Union Européenne (2010/C 83/02) qui stipule que l'Union Européenne respecte la diversité linguistique ?

4. En quoi l'absence de traduction en français de la NPA, n'enfreindrait pas l'interdiction des discriminations en raison de la nationalité stipulée à l'article 18 du Traité sur le Fonctionnement de l'Union Européenne (TFUE)?

5. En quoi l'absence de traduction en français de la NPA serait respectueuse de l'article 342 du TFUE (ancien article 290 du Traité) et du Règlement n°1 (modifié) portant fixation du régime linguistique de l'Union Européenne ? En particulier, en quoi cette absence de traduction serait compatible avec les exigences des articles 1, 2 et 4 du Règlement n°1? Les articles précités énumèrent la liste des langues officielles et des langues de travail des institutions de l'Union, dont le français. Ils prévoient également que les textes adressés par les institutions à un Etat membre ou à une personne relevant de la juridiction d'un Etat membre sont rédigés dans la langue de cet Etat. Ils stipulent enfin que les textes de portée générale sont rédigés dans les langues officielles.

6. Dans le cas où les réponses aux questions qui précèdent ne seraient pas satisfaisantes au regard du droit positif applicable, comment l'AESA entend reprendre la procédure de NPA afin d'y remédier et procéder pour la publication de ses règles ?

Traduction de courtoisie

Pau airport draw the attention of EASA on the fact that its futures rules shall be understood by all the actors, who have to use them. Consequently, these rules shall be written in the national language of the State and not only in English.

§2.2.2 of the « Regulatory Impact Assessment » (page 15/130) giving the number of French airports entering the scope of the future EASA rules indicate that many of them are French: "Looking at the result for individual Member States, France has two peculiarities in this European picture : it has the largest number of aerodromes (159) and it is also the country with the highest number of aerodromes below the BR threshold (72 i.e. in relative share 45%...[...]" French airports are so particularly interested to know, understand and appreciate the impact of the EASA rules of this NPA.

The consultation, only in English, does not allow to French airports operators, having no sufficient translation means, to know, understand and correctly appreciate the impact of the rules proposed in this NPA. Consequently, French aerodrome operators are not able to use all their rights, which are recognized by article 6.1 of the "rulemaking procedure", applicable for the redaction and the publication of NPA: "Any person or organisation with an interest in the rule under development shall be entitled to comment on the basis of the published NPA, without discrimination on the basis of nationality".

Article 32-2 of the basic regulation (CE N°216/2008) indicates that all the translation works required for the EASA functioning are performed by the translation center of the EU.

It is also in line with ADR.OR.E.005 (i) related to the aerodrome manual. Indeed, it is indicated that the aerodrome manual shall reflect the basis certification and shall be in a language acceptable by the competent authority and understandable by everyone, who has to use it. So, IR-OPS, AMC and CS, elements of the certification basis shall be written in the official language recognized by the Member State.

Besides, this requirement of the use of the official language appears in most of national constitutions.

In consequence, the EASA regulation shall be written in French to be correctly applied on French aerodromes.

It is why, EASA should answer to the following questions.

1. How the fact to have no French version of EASA rules could be considered as compliant with article 58-2 of the basic regulation on transparency and communication ? This article indicates that the agency ensure the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its.

2. How the fact to have no French version of EASA rules could be considered as compliant with the « Rulemaking Procedure » applicable for the redaction and publication of the NPA (§2 Explanatory Note page 5/22) ? This « Rulemaking Procedure » is the subject of the EASA Management Board Decision 08-2007 -Decision amending and replacing the Rulemaking Procedure - MB Meeting 03-2007- in application of article 52

of the basic regulation. In particular, How the fact to have no French version of EASA rules could be considered as compliant with article 6-1 of the EASA Rulemaking Procedure and article 52-1-c) of the basic regulation ("the procedures ensure ensure that the Agency publishes documents and consults widely with interested parties...").

3. How the fact to have no French version of EASA rules could be considered as compliant with the article 22 of the Charter of fundamental rights of the European Union (2010/C 83/02) which stipulates that the European Union respects the linguistic diversity?

4. How the fact to have no French version of EASA rules could be considered as compliant with the interdiction of discrimination due to the nationality as stipulated in article 18 of the Treaty on the functioning of European Union?

5. How the fact to have no French version of EASA rules could be considered as compliant with article 342 of the Treaty on the functioning of European Union (former article 290) et of the regulation n°1 (modified) governing the languages of the European Union (in particular articles 1, 2 et 4)? These articles give the list of the official languages and the work languages of the EU institutions, including French among others. They also indicate that the r delivered by the EU institutions to a member State or at a citizen of this Member State shall be in the official language of this State and that the general texts are written in official languages.

6. If the answers to the here above questions would not be satisfactory vis-à-vis the applicable rules, how EASA plans to correct the NPA process used and to proceed for the publication of its set of rules ?

response *Noted*

comment 2232 comment by: *Pau Pyrénées Airport - PUF/LFBP*

Arrangements
Commentaire

Dans plusieurs pays dont la France, les autorités publiques ont un rôle essentiel en matière de sécurité aéroportuaire et disposent à cet effet de prérogatives particulières.

En France le cadre constitutionnel impose que certaines missions soient assurées par une autorité de l'Etat et c'est à ce titre que les préfets exercent des pouvoirs de police sur l'aéroport et à l'extérieur de l'aéroport, qu'il s'agisse de définir localement des règles de police ou de s'assurer de leur bonne application.

Dans le cadre des projets de l'AESA, ces sujets ne relèveraient plus de l'Etat, mais de l'exploitant d'aérodrome, en particulier par le biais d'arrangements passés entre celui-ci et les organisations fournissant des services sur l'aéroport (organismes chargés de la météo, de la sûreté, de la maintenance, transporteurs aériens...). Ce qui n'est ni possible ni souhaitable en France.

La responsabilité régaliennne des Etats doit rester aux Etats. Même par la procédure d'un arrangement, un exploitant d'aérodrome ne pourra pas et ne souhaite pas "partager" la responsabilité régaliennne de l'Etat français.

Traduction de courtoisie

In different member States including France, public authorities have an

essential role concerning airport safety and are in charge of specific powers to this end.

In France the constitutional framework implies that some missions are assumed by a public authority such as the "préfets" who are in charge and have the power to enforce law and order on the aerodromes and also outside the aerodromes whether it is for the definition or the application of the rules.

With the EASA projects, these missions will not be affected to the public authority anymore but to the aerodrome operator by the way of arrangements between itself and others entities providing services at the airport (MET, security, airlines...)

response *Noted*

comment 2233 comment by: *Pau Pyrénées Airport - PUF/LFBP*

Changement d'exploitant

L'aéroport pau Pyrénées considère que le cas du changement d'exploitant n'est pas correctement et suffisamment traité. L'AESA estime que tout se règle par le biais d'arrangements entre l'exploitant en place et le futur exploitant, ce qui est une vision idéaliste.

L'aéroport pau Pyrénées propose que l'on reprenne la règle existante en France sur le sujet avec la possibilité d'introduire des certificats à durée limitée. Grâce à cela, pourra être traité le cas du changement d'exploitant avec la délivrance d'un certificat provisoire permettant d'une part à l'exploitant d'aérodrome d'opérer et d'autre part à l'autorité compétente de vérifier si le règlement est bien appliqué sur la plateforme et respecté par l'exploitant.

Traduction de courtoisie

Pau airport considers that the case of aerodrome operator is not correctly and sufficiently dealt with.

The EASA seems to have an idealistic view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality.

We suggest inspiring from the existing rule in France with the possibility to introduce time limited certificates. Thus, the change of aerodrome operator would be resolved by the grant of a temporary certificate which enables, on one hand, the operator to manage the airport and on the other hand, the competent authority to ensure that the regulation is properly implemented on the airport by the operator.

response *Noted*

comment 2234 comment by: *Pau Pyrénées Airport - PUF/LFBP*

Références aux Guidance Materials dans les articles de l'Implementing Rules ou les Spécifications de certification

Pour des raisons de cohérence réglementaire, les références aux Guidance

	<p>Materials (GM) ne doivent pas être incluses dans les Spécifications de Certification (CS) ni dans les Implementing Rules (IR) et doivent faire l'objet de notes spécifiques.</p> <p>Dans le cas contraire, cela laisse entendre que le GM a valeur de CS ou d'IR. Ce qui n'e doit pas être le cas</p> <p>Traduction de courtoisie</p> <p>For the consistency of the regulation, references to Guidance Materials (GM) must not be included in Certification Specifications (CS) or Implementing Rules (IR) and have to be developed in specific notes. Otherwise, it implies that GM has the same value as CS or IR. It shall not be the case.</p>
response	<i>Noted</i>
comment	<p>2236 <i>comment by: Pau Pyrénées Airport - PUF/LFBP</i></p> <p>Respect du règlement de base Commentaire</p> <p>Les dispositions du règlement de base relatives à la proportionnalité des mesures par rapport à la taille, au trafic, à la catégorie et à la complexité de l'aérodrome, ne sont pas réellement transcrites dans le règlement. Elles sont cependant fondamentales. Les nombreux aéroports européens de moins de 1.5 millions de passagers qui n'atteignent pas le grand équilibre, qui ne sont pas auto-suffisants et qui ne pourront pas prendre en charge toutes les missions nouvelles doivent être préservés dans leur rôle indispensable d'outils d'aménagement du territoire et de développement économique de nos régions.</p> <p>Traduction de courtoisie</p> <p>The principle of the basic regulation to be proportionate to the size, the traffic, the category and the complexity of the aerodrome is not really reflected in the regulation.</p>
response	<i>Noted</i>
comment	<p>2238 <i>comment by: Luftfahrtbehörde Schleswig-Holstein</i></p> <p>The proposed framework seems to be unnecessarily detailed. It will put large administrative burdens on national authorities and airport operators. This will produce additional administrative costs but only little (if any) benefit for safety. Since all Member States are bound to ICAO rules it is not necessary to create a unique European set of rules. The current implementation of ICAO rules by Member States and airports is successful, European airports are safe. We suggest to clarify the difference between binding and non-binding rules in the proposed framework. This could be done by moving all non-binding provisions (f. ex. ICAO recommended practices) into guidance material (GM). Only binding provisions which are crucial for safety and have to be followed uniformly should be stated in implementing rules (IR) and certification specifications (CS).</p>
response	<p><i>Noted</i></p> <p>The issue of abiding by the rules with regard to ICAO SARPs raised here is explained in the Explanatory Note.</p>

comment	<p>2286 comment by: <i>ENAC Ente Nazionale per l'Aviazione Civile</i></p> <p>ADR.OR.B.020 - missing</p>
response	<p><i>Accepted</i></p> <p>Title has been deleted.</p>
comment	<p>2298 comment by: <i>ATB Aéroport Toulouse-Blagnac - TLS/LFBO</i></p> <p>Attachment #24</p> <p>ATB NPA 2011-20 (B.I-III) Com gal 1</p> <p>Objet et portée du règlement</p> <p>Traduction de courtoisie</p> <p>There is a doubt about the object and the scope of the EASA regulation on aerodromes, issue of the present NPA.</p> <ul style="list-style-type: none"> • Does this regulation create obligations towards other entities than the competent authority and the aerodrome operator such as local authorities or owners outside of the airport boundaries? • Does the regulation creates rights for users of the airport and enables them to introduce court claims on this basis? <p>Besides, the legal applicability of others documents prepared by the EASA is uncertain. In its explanatory note (paragraph 16), the agency indicates that AMCs are non-essential and non-biding whereas the ADR.OR.A.015 is in contradiction with this affirmation: "<i>The aerodrome operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification</i>". This must imperatively be clarified because all comments on AMC are largely related to their juridical value.</p> <p>ATB considers that EASA's regulation should only be related to the certification of aerodromes. This position is confirmed by the fact that every specification of the NPA have been provided only in the scope of an aerodrome certification.</p> <p>To this end, ATB is in favour of a better delimitation of the regulation object at article 1 of cover regulation. Without such precision, the regulation would interfere with other activities which are note in the scope of competence of the EASA notably concerning ground handling, urbanism and public security.</p>
response	<p><i>Noted</i></p>
comment	<p>2304 comment by: <i>ATB Aéroport Toulouse-Blagnac - TLS/LFBO</i></p> <p>Attachment #25</p> <p>ATB NPA 2011-20 (B.I et III) Com gal 11</p> <p>Références aux Guidance Materials dans les articles de l'Implementing Rules ou les Spécifications de certification</p> <p>Traduction de courtoisie</p>

For the consistency of the regulation, references to Guidance Materials (GM) must not be included in Certification Specifications (CS) or Implementing Rules (IR) and have to be developed in specific notes. Otherwise, it implies that GM has the same value as CS or IR. It shall not be the case.

response *Noted*

comment 2328 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*
Attachment [#26](#)

UAF NPA 2011-20 (B.I-III) Com gal 1

Objet et portée du règlement

Traduction de courtoisie

There is a doubt about the object and the scope of the EASA regulation on aerodromes, issue of the present NPA.

- Does this regulation create obligations towards other entities than the competent authority and the aerodrome operator such as local authorities or owners outside of the airport boundaries?
- Does the regulation creates rights for users of the airport and enables them to introduce court claims on this basis?

Besides, the legal applicability of others documents prepared by the EASA is uncertain. In its explanatory note (paragraph 16), the agency indicates that AMCs are non-essential and non-biding whereas the ADR.OR.A.015 is in contradiction with this affirmation: "*The aerodrome operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification*". This must imperatively be clarified because all comments on AMC are largely related to their juridical value.

UAF considers that EASA's regulation should only be related to the certification of aerodromes. This position is confirmed by the fact that every specification of the NPA have been provided only in the scope of an aerodrome certification.

To this end, UAF is in favour of a better delimitation of the regulation object at article 1 of cover regulation. Without such precision, the regulation would interfere with other activities which are note in the scope of competence of the EASA notably concerning ground handling, urbanism and public security.

response *Noted*

comment 2331 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*
Attachment [#27](#)

UAF NPA 2011-20 (B.I-III) Com gal 6

Arrangements

Traduction de courtoisie

In different member States including France, public authorities have an essential role concerning airport safety and are in charge of specific

powers to this end.

In France the constitutional framework implies that some missions are assumed by a public authority such as the "préfets" who are in charge and have the power to enforce law and order on the aerodromes and also outside the aerodromes whether it is for the definition or the application of the rules.

With the EASA projects, these missions will not be affected to the public authority anymore but to the aerodrome operator by the way of arrangements between itself and others entities providing services at the airport (MET, security, airlines...)

In order to facilitate the implementation of the future regulation, UAF suggests that every rule taken by a public authority, including rules adopted by the "préfets" must be considered as arrangements and this must be written in the EASA project.

response *Noted*

comment

2349

comment by: *ADP : Aeroports de Paris*

Commentaire

La rédaction du règlement de l'AESA et des autres documents soumis à consultation ne permet pas de déterminer avec certitude l'objet et la portée juridique de ces textes.

En effet il n'est pas possible de savoir si le règlement :

- d'une part crée des obligations pour d'autres personnes que l'autorité compétente et l'exploitant d'aérodrome ainsi que leurs préposés, par exemple des collectivités locales ou des propriétaires à l'extérieur du périmètre aéroportuaire,
- d'autre part si le règlement est créateur de droits au profit des usagers qui pourraient engager des recours sur la base de celui-ci.

Par ailleurs, la portée juridique des autres documents préparés par l'AESA demeure incertaine. Ainsi, dans sa notice explicative (paragraphe 16), l'Agence indique que les moyens acceptables de conformité (AMC) ne sont pas essentiel (*non-essential*) et ne sont pas contraignants (*non-binding*). Or, la rédaction de l'ADR.OR.015 est en contradiction avec cette affirmation : l'exploitant d'aérodrome ne peut s'écarter d'un AMC, au moyen d'un moyen alternatif de conformité, que sur autorisation expresse de l'autorité compétente. Ce sujet doit impérativement être clarifié car les commentaires qui peuvent être fait sur les AMC dépendent en très grande partie de leur portée juridique.

ADP (Aéroports de Paris) considère que la réglementation de l'AESA ne devrait concerner que la certification des aérodromes. Pour cela, elle s'appuie sur le fait que toutes les spécifications de la NPA ne sont prévues que dans un cadre de certification de l'aérodrome.

ADP est donc favorable à ce que l'objet de la réglementation soit mieux délimité par l'article 1er du règlement d'exécution ("*cover regulation*"). A défaut d'une telle précision, le règlement de l'AESA viendrait interférer avec d'autres domaines échappant au domaine de compétences de l'AESA, notamment relatives à l'assistance en escale, aux règles d'urbanisme ou à la sécurité civile.

Traduction de courtoisie

There is a doubt about the object and the scope of the EASA regulation on aerodromes, issue of the present NPA.

- Does this regulation create obligations towards other entities than the competent authority and the aerodrome operator such as local authorities or owners outside of the airport boundaries?

- Does the regulation creates rights for users of the airport and enables them to introduce court claims on this basis?

Besides, the legal applicability of others documents prepared by the EASA is uncertain. In its explanatory note (paragraph 16), the agency indicates that AMCs are non-essential and non-biding whereas the ADR.OR.A.015 is in contradiction with this affirmation: "*The aerodrome operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification*". This must imperatively be clarified because all comments on AMC are largely related to their juridical value.

ADP considers that EASA's regulation should only be related to the certification of aerodromes. This position is confirmed by the fact that every specification of the NPA have been provided only in the scope of an aerodrome certification.

To this end, ADP is in favour of a better delimitation of the regulation object at article 1 of cover regulation. Without such precision, the regulation would interfere with other activities which are note in the scope of competence of the EASA notably concerning ground handling, urbanism and public security.

response *Noted*

comment 2392 comment by: *Assaeroporti - Associazione Italiana Gestori Aeroporti*

The provisions for flexibility, customised compliance and proportionality given under the existing ICAO system, are not satisfactorily reflected in the NPA documents. It is notably due to the fact that recommendations have been transposed to the same level as standards.

response *Noted*

The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community. Flexibility at the AMC/CS level is for all requirements given by installation of AMCs, ELOS and SCs regardless of its status on ICAO level. This issue is further explained in the Explanatory Note.

comment 2495 comment by: *DGAC Direction Générale de l'aviation civile*

General comments

Regulation (EC) N°216/2008 establishes that EASA produces rules and will standardise States to oversee them. However, the projects for implementing rules and associated AMCs, and certification specifications, have a wider scope than Regulation (EC) N°216/2008 and raise some important points on responsibilities:

Too many implementing rules have been produced on authorities and some are not within the scope of Regulation (EC) N°216/2008.

Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections *in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*" Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised:

- **In no case**, EASA should ask the States to have a "Management System", with additional requirements on personnel, notably functions to monitor compliance, which induces administrative burden and huge costs: this is the State competency.
- The authority regulated should be the one in charge of certification and safety oversight and be defined without prejudice to the organisation of the State: security, local planning, land use planning and environment authorities should not be mentioned in such a regulation authorities.

The responsibilities of the aerodrome operators induced by this Regulation are not in accordance with the French system too, which is probably not in accordance with Lisbon treaty. This is often due to the misuse of the word "ensure". This is a critical point, and in the indicated areas, the rules should be revised to solve this point.

Recommended practices are "desirable" for both "safety", "efficiency" and "regularity". However, most of the recommended practices within ICAO Annex 14 Volume 1 have been taken as CS, which will become binding in the aerodrome certification basis. Some recommended practices are specifications which do not contain a clear safety objective: adding them as written in ICAO Annex 14 Volume 1 in the CS is too stringent, as they will become "standards" through the certification basis, and the State will not be able to accept an ELOS as ICAO Annex 14 Volume 1 does not detail the safety objective. For all these recommended practices, it is asked: either to put them in GM, or to add in the CS the safety objective, to enable States to accept ELOS.

There is too much administrative burden in the exchanges between both:

- the aerodrome operator and the State;
- the State and EASA.

This administrative burden will induce huge costs and more staff for no real safety benefit: it is asked to modify the rules to solve this point.

response

Noted

Technical suggestions are addressed in the relevant sections.

comment	<p data-bbox="383 235 454 280">2565</p> <p data-bbox="1133 235 1396 280">comment by: IATA</p> <p data-bbox="383 291 1404 392">GENERAL: The sequence of subjects in the NPA is confusing and it is found difficult for the reader to find his way through the rather messy design of the NPA document.</p> <p data-bbox="383 392 1372 425">It is found too difficult to find all info concerning one particular subject.</p> <p data-bbox="383 459 1404 526">It is strongly recommended that the AMC and GM should be provided together with the specific IR subject.</p> <p data-bbox="383 526 1404 593">A reference should be made with the particular regulation making clear that an AMC or GM part is available.</p> <p data-bbox="383 616 1404 683">All definitions should be put together instead of placing them in two documents not covering the same items.</p> <p data-bbox="383 716 1404 840">It is recalled that in line with the preamble of ICAO Annex 14, the RFFS levels described in the NPA are those to be achieved by the aerodrome operator. This is different from the RFFS levels to be applied by aircraft operators during flight operations, which is subject to ICAO Annex 6.</p>
response	<p data-bbox="383 896 470 929"><i>Noted</i></p> <p data-bbox="383 952 1404 1019"><i>Structure:</i> Change of structure of the rules in the suggested manner is not possible because of different legal adoption processes of IR and AMC/GM.</p> <p data-bbox="383 1030 1404 1198"><i>Definitions:</i> As the draft regulation will indeed become EU law, it has to provide only those definitions in its Article 2 which are indeed used in the text of the draft regulation. Legally, CSs are of a different nature and thus they also provide the definitions that are used in the CS, but not as part of the draft regulation.</p> <p data-bbox="383 1209 566 1243"><i>RFFS:</i> Noted.</p>
comment	<p data-bbox="383 1299 454 1332">2790</p> <p data-bbox="566 1299 1396 1332">comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN</p> <p data-bbox="383 1355 614 1388">Attachment #28</p> <p data-bbox="383 1411 885 1444">NPA 2011-20 (B.I-III) Com gal 2</p> <p data-bbox="383 1444 678 1478">Commentaires ACA</p> <p data-bbox="383 1478 790 1512"><u>Responsabilité de l'exploitant</u></p> <p data-bbox="383 1512 574 1545"><u>Commentaire</u></p> <p data-bbox="383 1545 1404 1646">Le règlement de l'AESA augmente de manière significative le nombre de missions de l'exploitant d'aérodrome par rapport à la situation existante, du moins en France.</p> <p data-bbox="383 1668 1404 1836">La logique réglementaire devrait amener à contre balancer cette augmentation en donnant les pouvoirs nécessaires à l'exploitant d'aérodrome pour effectuer ces nouvelles missions. Or, le présent règlement ne peut pas conférer de tels pouvoirs à l'exploitant pour l'ensemble des missions qui lui sont confiées.</p> <p data-bbox="383 1859 1404 1971">En effet, la répartition des missions qui répond parfois à des exigences constitutionnelles comme c'est le cas lorsqu'elles sont attribuées aux autorités publiques, échappe en grande partie aux compétences de l'AESA.</p> <p data-bbox="383 1993 1404 2027">De plus, certaines dispositions portant sur les missions de l'exploitant</p>

d'aérodrome ne tiennent pas compte des principes de subsidiarité et de proportionnalité.

La sécurité du trafic aérien doit être assurée sans bouleverser la répartition actuelle des compétences au sein de chacun des Etats. Chaque Etat doit conserver la possibilité de désigner les autorités et organismes en charge des missions visées par le règlement, notamment s'agissant des mesures qui doivent être mises en œuvre à l'extérieur du périmètre de l'aéroport.

Dans certains autres cas le maintien des compétences des autorités publiques répond à des exigences fixées par L'union Européenne. A titre d'exemple, la Directive 96/67/ CE du Conseil du 15 octobre 1996 (modifiée) qui organise l'accès au marché de l'assistance en escale dans les aéroports de la Communauté. Il résulte des dispositions de l'article 14 de la Directive précitée, que si l'activité d'un prestataire d'assistance en escale sur un aéroport peut être subordonnée à des conditions de sécurité des aéronefs, des équipements et des personnes, l'article 14 de la Directive ordonne que ces conditions soient définies et appliquées par une « autorité publique indépendante de l'entité gestionnaire de l'aéroport » au travers de la procédure d'agrément. L'exploitant d'aéroport se voit par conséquent interdire la possibilité de refuser l'accès à l'aéroport ou retirer un accès préalablement consentis à un assistant en escale au motif que son activité ne respecterait pas les critères de sécurité des aéronefs, des équipements et des personnes. Sur ce point, le projet de Règlement (référence interinstitutionnelle 2011/0397(COD)) visant à remplacer la Directive précitée n'apporte pas d'évolution et maintient la dévolution des pouvoirs d'appréciations des conditions de sécurité des de l'aéroport, des aéronefs et de personnes à une autorité indépendante de l'exploitant d'aéroport (article 16 du projet en date du 16/03/2012).

En conséquence ACA fait la proposition de rajouter un nouvel article entre l'article 2 et l'article 3 de la « cover regulation » au livre I, développé ci-après.

Proposition

Article 2 bis : "Autorités compétentes"

Les points 1 et 2 de l'article 3 de la « cover regulation » existant (« 1. Member States shall designate [...] No 216/2008. ») sont intégrés dans ce nouvel article 2 bis car ils sont les premières règles de constitution des autorités compétentes sortant du cadre stricto sensu de la surveillance.

Ces paragraphes sont complétés par l'ajout du paragraphe suivant: "Lorsque des missions indiquées dans les annexes au présent règlement sont assurées par une entité indépendante de l'exploitant d'aérodrome, l'autorité compétente vérifie que toutes les exigences essentielles sont couvertes et elle décrit la répartition des missions dans les clauses d'approbation du certificat."

Traduction de courtoisie

The EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in France. More and more missions have been put under the responsibility of aerodrome operator.

The rulemaking rationale should lead to counter balance this increase of responsibilities by conferring the necessary powers to the aerodrome operator in order to assume his new responsibilities. But the EASA regulation cannot confer such powers to the operator. Indeed, the repartition of responsibilities in member States is, in some cases, conducted under constitutional rules, for example when they are affected to public authorities, is largely out of the scope of the EASA.

Moreover, some provisions relating to the missions of the aerodrome operator do not take into account the principles of subsidiarity and proportionality. The safety of air transport must be assured without altering the repartition of the missions in member States. Each member States must have the possibility to designate authorities or entities in charge of the missions mentioned in the regulation notably concerning the obligation outside of the airport perimeter.

In others cases, the maintaining of competencies of public authorities is fixed by EU requirements. It is for example the case with the Directive (modified) n° 96/67/ CE dated 15 October 1996 related to the ground handling. Article 14 of this directive indicates that if the activity of a ground handler might be dependent on safety conditions of aircraft, equipment and persons, such conditions shall be defined and implemented by a public authority independent of the aerodrome operator through an agreement process. Consequently, the aerodrome operator has no power to forbid the access of a ground handler at the airport or to suspend this access for reasons related to safety. The draft of the future regulation to replace this directive does not modify this aspect (article 16 of the draft dated 16/03/2012).

Consequently, ACA suggests to insert a new article between article 2 and article 3 of the cover regulation :

Article 2 bis: "competent authorities"

Points 1 and 2 of article 3 of the cover regulation (« 1. Member States shall designate [...] No 216/2008. ») must be integrated in this new article 2 bis because they are the first rules about competent authority apart from the scope of monitoring, *stricto sensu*. These paragraphs are completed with the addition of the following paragraph: "When the responsibilities mentioned in the annexes of this regulation are assumed by an entity which is independent from the aerodrome operator, the competent authority shall ensure that all the essential requirements are covered and shall describe the allocation of these responsibilities in the approval terms of the certificate."

response *Noted*

comment 2793 comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN
Attachment [#29](#)
NPA 2011-20 (B.I-III) Com gal 1
Commentaires ACA
[Objet et portée du règlement](#)
[Commentaire](#)
La rédaction du règlement de l'AESA et des autres documents soumis à

consultation ne permet pas de déterminer avec certitude l'objet et la portée juridique de ces textes.

En effet il n'est pas possible de savoir si le règlement :

- d'une part crée des obligations pour d'autres personnes que l'autorité compétente et l'exploitant d'aérodrome ainsi que leurs préposés, par exemple des collectivités locales ou des propriétaires à l'extérieur du périmètre aéroportuaire,
- d'autre part si le règlement est créateur de droits au profit des usagers qui pourraient engager des recours sur la base de celui-ci.

Par ailleurs, la portée juridique des autres documents préparés par l'AESA demeure incertaine. Ainsi, dans sa notice explicative (paragraphe 16), l'Agence indique que les moyens acceptables de conformité (AMC) ne sont pas essentiel (*non-essential*) et ne sont pas contraignants (*non-binding*). Or, la rédaction de l'ADR.OR.015 est en contradiction avec cette affirmation : l'exploitant d'aérodrome ne peut s'écarter d'un AMC, au moyen d'un moyen alternatif de conformité, que sur autorisation expresse de l'autorité compétente. Ce sujet doit impérativement être clarifié car les commentaires qui peuvent être fait sur les AMC dépendent en très grande partie de leur portée juridique.

ACA estime que la réglementation de l'AESA ne devrait concerner que la certification des aérodromes. Pour cela, elle s'appuie sur le fait que toutes les spécifications de la NPA ne sont prévues que dans un cadre de certification de l'aérodrome.

ACA est donc favorable à ce que l'objet de la réglementation soit mieux délimité par l'article 1^{er} du règlement d'exécution ("*cover regulation*"). A défaut d'une telle précision, le règlement de l'AESA viendrait interférer avec d'autres domaines échappant au domaine de compétences de l'AESA, notamment relatives à l'assistance en escale, aux règles d'urbanisme ou à la sécurité civile.

Traduction de courtoisie

There is a doubt about the object and the scope of the EASA regulation on aerodromes, issue of the present NPA.

- Does this regulation create obligations towards other entities than the competent authority and the aerodrome operator such as local authorities or owners outside of the airport boundaries?
- Does the regulation creates rights for users of the airport and enables them to introduce court claims on this basis ?

Besides, the legal applicability of others documents prepared by the EASA is uncertain. In its explanatory note (paragraph 16), the agency indicates that AMCs are non-essential and non-biding whereas the ADR.OR.A.015 is in contradiction with this affirmation: "*The aerodrome operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification*". This must imperatively be clarified because all comments on AMC are largely related to their juridical value.

ACA considers that EASA's regulation should only be related to the certification of aerodromes. This position is confirmed by the fact that

every specification of the NPA have been provided only in the scope of an aerodrome certification.

To this end, ACA is in favour of a better delimitation of the regulation object at article 1 of cover regulation. Without such precision, the regulation would interfere with other activities which are note in the scope of competence of the EASA notably concerning ground handling, urbanism and public security.

response *Noted*

comment 2805 comment by: *Swedish Regional Airport Association*

Regulations should focus on being basics for a good relationship between authorities and operators, with the aim of increasing safety. Too much controls/authorization/approvals paragraphs creates administration and cost, and creates a risk for change of focus towards paperwork.

response *Partially accepted*

Yes, the relationship between a ADR and the authority should be based on trust and cooperation. However, the rules should provide for the correct course of action when something goes wrong, as well as ask for documentation of the way in which an airport was certificated.

comment 2817 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Attachment [#30](#)

NPA 2011-20 (B.I-III) Com gal 3
Commentaires ACA

Nombre de spécifications de certification (CS) et de moyens acceptables de conformité (AMC)

Commentaires

A l'intérieur de l'Union européenne, beaucoup d'efforts ont été entrepris pour réduire la charge administrative.

Or, le texte de la présente NPA comporte un nombre colossal de règles très précises, contrairement à l'annexe 14 OACI.

Les descriptions et amendements détaillés dans ces exigences de l'AESA vont accroître la charge administrative et les coûts administratifs.

En conséquence, nous suggérons fortement que les règles d'application (IR) soient moins détaillées, qu'elles soient conçues pour fixer un cadre général et que beaucoup d'AMC et de CS soient transférés en éléments informatifs (GM). Ainsi, de nombreux textes doivent plutôt être considérés comme des exemples à suivre et non comme des solutions imposées indifféremment à tous, d'autant que beaucoup d'entre eux n'ont pas d'effets directs sur la sécurité.

Traduction de courtoisie

Many efforts have been undertaken in the European Union to reduce the administrative burden. But the text of the NPA contains a great volume of very specific rules. These provisions will considerably increase

	<p>administrative burdens and costs.</p> <p>Consequently, we strongly suggest on one hand to have Implementing rules (IR) less precise and to rather describe a general framework and on the other hand to transfer many AMC and CS into guidance material (GM). Many texts should be considered as examples to follow instead of being solutions indifferently imposed to anybody, it is even more valid knowing that many of them have no direct effects on safety.</p>
response	<i>Noted</i>
comment	<p>2845 comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i></p> <p>NPA 2011-20 (B.I-III) Com gal 5 Commentaires ACA</p> <p><u>Forme</u> <u>Commentaire</u> La structure des règles et les références croisées rendent la lecture des documents complexe et difficile à comprendre.</p> <p><u>Traduction de courtoisie</u> The structure of the rules and cross references makes the document complex to read and understand.</p>
response	<i>Accepted</i>
comment	<p>2848 comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i></p> <p>NPA 2011-20 (B.I-III) Com gal 4 Commentaires ACA</p> <p><u>Modification de l'annexe 14 de l'OACI</u> <u>Commentaires</u> L'esprit de coopération dont a fait preuve l'AESA dans l'élaboration de la NPA a été très apprécié. En effet l'Agence a essayé de trouver certaines flexibilités pour les aérodromes. Malheureusement ces flexibilités s'avèrent insuffisantes car le projet de réglementation présenté aboutit en effet à une perte de la flexibilité procurée par le système OACI.</p> <p>Ainsi le règlement reprend les normes et les recommandations de l'Annexe 14 de l'OACI de manière indifférenciée.</p> <p>ACA souhaite fortement que les normes et recommandations de l'Annexe 14 ne soient pas traitées de la même manière afin de garder cette souplesse.</p> <p>Aussi, ACA propose que l'AESA prenne comme principe que les recommandations de l'Annexe 14 soient considérées comme des règles de l'art et reprises comme éléments informatifs (GM).</p> <p>ACA admet cependant, qu'après application de ce principe, certaines recommandations de l'OACI (peu nombreuses) puissent être remontées en spécification de certification (CS) ou en moyen acceptable de conformité (AMC), par exemple la recommandation relative aux largeurs de piste, mais de façon mesurée.</p>

Par ailleurs, la NPA reprend de manière très parcellaire et incomplète les modifications de l'annexe 14 proposées par l'OACI dans sa lettre aux Etats n° 41. Or ces modifications ont reçu l'aval de la commission « navigation aérienne » de l'OACI et de nombreux experts de cette organisation et elles doivent être applicables avant la date d'entrée en vigueur du règlement de l'AESA relatif aux aérodromes.

En conséquence ACA considère que l'AESA devrait reprendre globalement ces modifications afin aussi d'anticiper la future annexe 14 de l'OACI qui sera davantage fondée sur des objectifs ou performances à atteindre que sur des règles prescriptives.

Une telle anticipation évitera à l'Union européenne de se trouver confrontée à une réglementation obsolète dès sa publication.

ACA rappelle que l'annexe 14 a été pensée au milieu du siècle dernier pour la conception des aérodromes à une époque où l'espace pour créer de telles infrastructures ne manquait pas. Depuis, le paradigme a changé puisqu'il s'agit aujourd'hui d'avoir des règles pour certifier les aérodromes dans un contexte d'optimisation des ressources et de l'espace. Ce que les règles actuelles de l'annexe 14 ne reflètent que très incomplètement encore.

N.B. : ACA, dans plusieurs de ses commentaires détaillés sur les CS et les AMC, indique qu'il faut déplacer tel CS en GM. Il faut comprendre aussi que cela nécessite généralement une réécriture pour que n'apparaisse plus le terme « should » qui, dans le cadre de la réglementation AESA, ne devrait être utilisé que pour des CS ou des AMC.

Traduction de courtoisie

ACA appreciates the spirit of cooperation shown by EASA during the NPA process. EASA has tried to find solutions for flexibility. However, this effort is still not sufficient because the results lead to a loss of flexibility in comparison with the ICAO system. It is notably due to the fact that EASA takes up indistinctly ICAO standards and ICAO recommendations.

ACA strongly wish that EASA deals with ICAO recommendations and ICAO standards with different manners to keep the flexibility of ICAO system.

So ACA proposes that EASA takes as principle to consider ICAO recommendations as good practices only and transpose them into GM.

ACA admits that, after use of this principle, some ICAO recommendations (few) could be CS or AMC, for example the recommendation related to the runway width.

Moreover NPA reflects very partially and incompletely, the annex 14 modifications proposed by ICAO in its State letter n°41. These modifications have already been validated by the ICAO Air Navigation Commission and many ICAO experts. It is planned that these modifications would be applicable before the entry into force of EASA regulation.

ACA urges EASA to take up the contents of ICAO State Letter 41, also to anticipate the future ICAO annex 14, which will be more based on objectives or performances to reach than prescriptive rules. Such anticipation will prevent Europe from facing an obsolete regulation from its

publication.

ACA reminds that Annex 14 has been thought out in the middle of the last century for airport design when there was still space around. Nowadays, the paradigm has changed because rules should be thought for aerodrome certification in an optimisation of space and resources. Existing annex 14 SARPS reflect very incompletely this new paradigm.

N.B.: in several comments about CS and AMC, ACA indicates that it is appropriate to transfer the CS or AMC into GM. Such transfer needs to rewrite the text so that the term "should" does not appear anymore. Indeed, this term should be used only for CS and AMC in the present regulation.

response *Noted*

comment 2851 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

NPA 2011-20 (B.I-III) Com gal 6
Commentaires ACA

Arrangements

Commentaire

Dans plusieurs pays dont la France, les autorités publiques ont un rôle essentiel en matière de sécurité aéroportuaire et disposent à cet effet de prérogatives particulières.

En France le cadre constitutionnel impose que certaines missions soient assurées par une autorité de l'Etat et c'est à ce titre que les préfets exercent des pouvoirs de police sur l'aéroport et à l'extérieur de l'aéroport, qu'il s'agisse de définir localement des règles de police ou de s'assurer de leur bonne application.

Dans le cadre des projets de l'AESA, ces sujets ne relèveraient plus de l'Etat, mais de l'exploitant d'aérodrome, en particulier par le biais d'arrangements passés entre celui-ci et les organisations fournissant des services sur l'aéroport (organismes chargés de la météo, de la sûreté, de la maintenance, transporteurs aériens...).

Pour permettre de faciliter la mise en œuvre du futur règlement de l'AESA, ACA propose que toutes les règles arrêtées par une autorité de l'Etat, y compris les mesures prises par les préfets, soient considérées comme des arrangements et demande que cela soit précisé dans le texte de l'AESA.

Traduction de courtoisie

In different member States including France, public authorities have an essential role concerning airport safety and are in charge of specific powers to this end.

In France the constitutional framework implies that some missions are assumed by a public authority such as the "préfets" who are in charge and have the power to enforce law and order on the aerodromes and also outside the aerodromes whether it is for the definition or the application of the rules.

With the EASA projects, these missions will not be affected to the public authority anymore but to the aerodrome operator by the way of arrangements between itself and others entities providing services at the airport (MET, security, airlines...)

In order to facilitate the implementation of the future regulation, ACA suggests that every rule taken by a public authority, including rules adopted by the "préfets" must be considered as arrangements and this must be written in the EASA project.

response *Noted*

comment 2858 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

NPA 2011-20 (B.I-III) Com gal 7
Commentaires ACA

Langue

Commentaire

ACA attire l'attention de l'AESA sur le fait que ses futures règles doivent être comprises par tous les acteurs qui ont à l'utiliser. En conséquence, ces règles doivent être écrites dans la langue du pays et pas uniquement en langue anglaise.

Le §2.2.2 du « Regulatory Impact Assessment » (page 15/130) donnant le nombre d'aéroports de chaque Etat Membre touchés par la NPA indique que bon nombre d'aérodromes concernés sont français: « Looking at the result for individual Member States, France has two peculiarities in this European picture : it has the largest number of aerodromes (159) and it is also the country with the highest number of aerodromes below the BR threshold (72 i.e. in relative share 45%...[...]" . Les exploitants d'aéroports français sont donc spécialement intéressés à connaître, comprendre et apprécier la portée des règles rédigées par l'AESA et soumises à consultation dans le cadre de la NPA.

La consultation, uniquement en langue anglaise, ne permet pas aux exploitants d'aéroports français, ne disposant pas nécessairement des moyens de traduction suffisants, de connaître, comprendre et d'apprécier justement la portée des règles exposées dans la NPA. Par conséquent, les exploitants d'aéroports français ne sont pas mis en mesure de faire usage de tous les droits qui leur sont reconnus par l'article 6-1 « consultation » de la « Rulemaking Procedure » applicable lors de la rédaction et de la publication de la NPA. Cet article dispose que "Any person or organization with an interest in the rule under development shall be entitled to comment on the basis of the published NPA, without discrimination on the basis of nationality".

L'article 32-2 du Règlement de Base (CE N°216/2008) prévoit que les travaux de traduction requis pour le fonctionnement de l'AESA sont effectués par le Centre de traduction des organes de l'Union Européenne.

Cela rejoint aussi la règle ADR.OR.E.005 (i) relative au manuel d'aérodrome. Il est en effet indiqué que le manuel d'aérodrome doit refléter la base de certification et doit être dans une langue acceptable de l'autorité compétente et comprise par tout le personnel amené à l'utiliser. Aussi les IR-OPS, les AMC et les CS, éléments de la base de certification,

doivent, a minima, être écrits dans la langue du pays concerné.

En outre, l'exigence d'utiliser la langue officielle compréhensible par tous se retrouve dans la plupart des Constitutions nationales.

En conséquence les règles de l'AESA relatives aux aérodrômes doivent aussi être écrites en français pour pouvoir être correctement utilisées sur les aérodrômes français.

C'est pourquoi, ACA demande à l'AESA d'apporter ses réponses aux **questions suivantes** :

1. En quoi l'absence de traduction en français de la NPA serait respectueuse de l'article 58-2 du Règlement de Base relatif à la transparence et à la communication ? Cet article stipule que l'Agence veille à ce que le public et toute partie intéressée reçoivent rapidement une information objective, fiable et aisément compréhensible concernant ses travaux.

2. En quoi l'absence de traduction en français de la NPA serait respectueuse de la « Rulemaking Procedure » applicable lors de la rédaction et de la publication de la NPA (§2 Explanatory Note page 5/22) ? Cette « Rulemaking Procedure » a été décidée par le Conseil d'Administration du 13 juin 2007 (EASA Management Board Decision 08-2007 –Decision amending and replacing the Rulemaking Procedure – MB Meeting 03-2007) en application de l'article 52 du Règlement de Base . En particulier, en quoi cette absence de traduction serait respectueuse de l'article 6-1 de la Rulemaking Procedure » (précité) et de l'article 52-1-c) du Règlement de Base stipulant que les procédures « garantissent que l'AESA procède à la diffusion des documents et à une large consultation des parties intéressées, ...[...] » ?

3. En quoi l'absence de traduction de la NPA, en français, serait respectueuse de l'article 22 de la Charte des Droits fondamentaux de l'Union Européenne (2010/C 83/02) qui stipule que l'Union Européenne respecte la diversité linguistique ?

4. En quoi l'absence de traduction en français de la NPA, n'enfreindrait pas l'interdiction des discriminations en raison de la nationalité stipulée à l'article 18 du Traité sur le Fonctionnement de l'Union Européenne (TFUE)?

5. En quoi l'absence de traduction en français de la NPA serait respectueuse de l'article 342 du TFUE (ancien article 290 du Traité) et du Règlement n°1 (modifié) portant fixation du régime linguistique de l'Union Européenne ? En particulier, en quoi cette absence de traduction serait compatible avec les exigences des articles 1, 2 et 4 du Règlement n°1? Les articles précités énumèrent la liste des langues officielles et des langues de travail des institutions de l'Union, dont le français. Ils prévoient également que les textes adressés par les institutions à un Etat membre ou à une personne relevant de la juridiction d'un Etat membre sont rédigés dans la langue de cet Etat. Ils stipulent enfin que les textes de portée générale sont rédigés dans les langues officielles.

6. Dans le cas où les réponses aux questions qui précèdent ne seraient pas satisfaisantes au regard du droit positif applicable, comment

l'AESA entend reprendre la procédure de NPA afin d'y remédier et procéder pour la publication de ses règles ?

Traduction de courtoisie

ACA draw the attention of EASA on the fact that its futures rules shall be understood by all the actors, who have to use them. Consequently, these rules shall be written in the national language of the State and not only in English.

§2.2.2 of the « Regulatory Impact Assessment » (page 15/130) giving the number of French airports entering the scope of the future EASA rules indicate that many of them are French: "Looking at the result for individual Member States, France has two peculiarities in this European picture : it has the largest number of aerodromes (159) and it is also the country with the highest number of aerodromes below the BR threshold (72 i.e. in relative share 45%...[...]" French airports are so particularly interested to know, understand and appreciate the impact of the EASA rules of this NPA.

The consultation, only in English, does not allow to French airports operators, having no sufficient translation means, to know, understand and correctly appreciate the impact of the rules proposed in this NPA. Consequently, French aerodrome operators are not able to use all their rights, which are recognized by article 6.1 of the "rulemaking procedure", applicable for the redaction and the publication of NPA: "Any person or organisation with an interest in the rule under development shall be entitled to comment on the basis of the published NPA, without discrimination on the basis of nationality".

Article 32-2 of the basic regulation (CE N°216/2008) indicates that all the translation works required for the EASA functioning are performed by the translation center of the EU.

It is also in line with ADR.OR.E.005 (i) related to the aerodrome manual. Indeed, it is indicated that the aerodrome manual shall reflect the basis certification and shall be in a language acceptable by the competent authority and understandable by everyone, who has to use it. So, IR-OPS, AMC and CS, elements of the certification basis shall be written in the official language recognized by the Member State.

Besides, this requirement of the use of the official language appears in most of national constitutions.

In consequence, the EASA regulation shall be written in French to be correctly applied on French aerodromes.

It is why, ACA ask EASA to answer to the following questions.

1. How the fact to have no French version of EASA rules could be considered as compliant with article 58-2 of the basic regulation on transparency and communication ? This article indicates that the agency ensure the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its.

2. How the fact to have no French version of EASA rules could be considered as compliant with the « Rulemaking Procedure » applicable for

the redaction and publication of the NPA (§2 Explanatory Note page 5/22) ? This « Rulemaking Procedure » is the subject of the EASA Management Board Decision 08-2007 –Decision amending and replacing the Rulemaking Procedure – MB Meeting 03-2007- in application of article 52 of the basic regulation. In particular, How the fact to have no French version of EASA rules could be considered as compliant with article 6-1 of the EASA Rulemaking Procedure and article 52-1-c) of the basic regulation (“the procedures ensure ensure that the Agency publishes documents and consults widely with interested parties...”).

3. How the fact to have no French version of EASA rules could be considered as compliant with the article 22 of the Charter of fundamental rights of the European Union (2010/C 83/02) which stipulates that the European Union respects the linguistic diversity?

4. How the fact to have no French version of EASA rules could be considered as compliant with the interdiction of discrimination due to the nationality as stipulated in article 18 of the Treaty on the functioning of European Union?

5. How the fact to have no French version of EASA rules could be considered as compliant with article 342 of the Treaty on the functioning of European Union (former article 290) et of the regulation n°1 (modified) governing the languages of the European Union (in particular articles 1, 2 et 4)? These articles give the list of the official languages and the work languages of the EU institutions, including French among others. They also indicate that the r delivered by the EU institutions to a member State or at a citizen of this Member State shall be in the official language of this State and that the general texts are written in official languages.

6. If the answers to the here above questions would not be satisfactory vis-à-vis the applicable rules, how EASA plans to correct the NPA process used and to proceed for the publication of its set of rules ?

response *Noted*

comment 2865 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

NPA 2011-20 (B.I-II) Com gal 8
Commentaires ACA

Respect du règlement de base
Commentaire

Les dispositions du règlement de base relatives à la proportionnalité des mesures par rapport à la taille, au trafic, à la catégorie et à la complexité de l'aérodrome, ne sont pas réellement transcrites dans le règlement.

Traduction de courtoisie

The principle of the basic regulation to be proportionate to the size, the traffic, the category and the complexity of the aerodrome is not really reflected in the regulation.

response *Noted*

comment

2867

comment by: ADP : Aeroports de Paris

Commentaire :

Le règlement de l'AESA augmente de manière significative le nombre de missions de l'exploitant d'aérodrome par rapport à la situation existante, du moins en France.

La logique réglementaire devrait amener à contre balancer cette augmentation en donnant les pouvoirs nécessaires à l'exploitant d'aérodrome pour effectuer ces nouvelles missions. Or, le présent règlement ne peut pas conférer de tels pouvoirs à l'exploitant pour l'ensemble des missions qui lui sont confiées.

En effet, la répartition des missions qui répond parfois à des exigences constitutionnelles comme c'est le cas lorsqu'elles sont attribuées aux autorités publiques, échappe en grande partie aux compétences de l'AESA.

De plus, certaines dispositions portant sur les missions de l'exploitant d'aérodrome ne tiennent pas compte des principes de subsidiarité et de proportionnalité.

La sécurité du trafic aérien doit être assurée sans bouleverser la répartition actuelle des compétences au sein de chacun des Etats. Chaque Etat doit conserver la possibilité de désigner les autorités et organismes en charge des missions visées par le règlement, notamment s'agissant des mesures qui doivent être mises en œuvre à l'extérieur du périmètre de l'aéroport.

Dans certains autres cas le maintien des compétences des autorités publiques répond à des exigences fixées par L'union Européenne. A titre d'exemple, la Directive 96/67/ CE du Conseil du 15 octobre 1996 (modifiée) qui organise l'accès au marché de l'assistance en escale dans les aéroports de la Communauté. Il résulte des dispositions de l'article 14 de la Directive précitée, que si l'activité d'un prestataire d'assistance en escale sur un aéroport peut être subordonnée à des conditions de sécurité des aéronefs, des équipements et des personnes, l'article 14 de la Directive ordonne que ces conditions soient définies et appliquées par une « autorité publique indépendante de l'entité gestionnaire de l'aéroport » au travers de la procédure d'agrément. L'exploitant d'aéroport se voit par conséquent interdire la possibilité de refuser l'accès à l'aéroport ou retirer un accès préalablement consenti à un assistant en escale au motif que son activité ne respecterait pas les critères de sécurité des aéronefs, des équipements et des personnes. Sur ce point, le projet de Règlement (référence interinstitutionnelle 2011/0397(COD)) visant à remplacer la Directive précitée n'apporte pas d'évolution et maintient la dévolution des pouvoirs d'appréciations des conditions de sécurité des de l'aéroport, des aéronefs et de personnes à une autorité indépendante de l'exploitant d'aéroport (article 16 du projet en date du 16/03/2012).

En conséquence ADP (Aéroports de Paris) fait la proposition de rajouter un nouvel article entre l'article 2 et l'article 3 de la « cover regulation » au livre I, développé ci-après.

Proposition

Article 2 bis : "Autorités compétentes"

Les points 1 et 2 de l'article 3 de la « cover regulation » existant (« 1. Member States shall designate [...] No 216/2008. ») sont intégrés dans ce

nouvel article 2 bis car ils sont les premières règles de constitution des autorités compétentes sortant du cadre stricto sensu de la surveillance. Ces paragraphes sont complétés par l'ajout du paragraphe suivant: "Lorsque des missions indiquées dans les annexes au présent règlement sont assurées par une entité indépendante de l'exploitant d'aérodrome, l'autorité compétente vérifie que toutes les exigences essentielles sont couvertes et elle décrit la répartition des missions dans les clauses d'approbation du certificat."

Traduction de courtoisie

The EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in France. More and more missions have been put under the responsibility of aerodrome operator.

The rulemaking rationale should lead to counter balance this increase of responsibilities by conferring the necessary powers to the aerodrome operator in order to assume his new responsibilities. But the EASA regulation cannot confer such powers to the operator. Indeed, the repartition of responsibilities in member States is, in some cases, conducted under constitutional rules, for example when they are affected to public authorities, is largely out of the scope of the EASA.

Moreover, some provisions relating to the missions of the aerodrome operator do not take into account the principles of subsidiarity and proportionality. The safety of air transport must be assured without altering the repartition of the missions in member States. Each member States must have the possibility to designate authorities or entities in charge of the missions mentioned in the regulation notably concerning the obligation outside of the airport perimeter.

In others cases, the maintaining of competencies of public authorities is fixed by EU requirements. It is for example the case with the Directive (modified) n° 96/67/ CE dated 15 October 1996 related to the ground handling. Article 14 of this directive indicates that if the activity of a ground handler might be dependent on safety conditions of aircraft, equipment and persons, such conditions shall be defined and implemented by a public authority independent of the aerodrome operator through an agreement process. Consequently, the aerodrome operator has no power to forbid the access of a ground handler at the airport or to suspend this access for reasons related to safety. The draft of the future regulation to replace this directive does not modify this aspect (article 16 of the draft dated 16/03/2012).

Consequently, ADP suggests to insert a new article between article 2 and article 3 of the cover regulation :

Article 2 bis: "competent authorities"

Points 1 and 2 of article 3 of the cover regulation (« 1. Member States shall designate [...] No 216/2008. ») must be integrated in this new article 2 bis because they are the first rules about competent authority apart from the scope of monitoring, stricto sensu. These paragraphs are completed with the addition of the following paragraph: "When the responsibilities mentioned in the annexes of this regulation are assumed by an entity which is independent from the aerodrome operator, the

competent authority shall ensure that all the essential requirements are covered and shall describe the allocation of these responsibilities in the approval terms of the certificate.”

response *Noted*

comment 2868 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

NPA 2011-20 (B.I) Com gal 9
Commentaires ACA

Changement d'exploitant

Commentaire

ACA considère que le cas du changement d'exploitant n'est pas correctement et suffisamment traité. L'AESA estime que tout se règle par le biais d'arrangements entre l'exploitant en place et le futur exploitant, ce qui est une vision idéaliste.

ACA propose que l'on reprenne la règle existante en France sur le sujet avec la possibilité d'introduire des certificats à durée limitée. Grâce à cela, pourra être traité le cas du changement d'exploitant avec la délivrance d'un certificat provisoire permettant d'une part à l'exploitant d'aérodrome d'opérer et d'autre part à l'autorité compétente de vérifier si le règlement est bien appliqué sur la plateforme et respecté par l'exploitant.

Traduction de courtoisie

ACA considers that the case of aerodrome operator is not correctly and sufficiently dealt with.

The EASA seems to have an idealistic view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality.

ACA suggests inspiring from the existing rule in France with the possibility to introduce time limited certificates. Thus, the change of aerodrome operator would be resolved by the grant of a temporary certificate which enables, on one hand, the operator to manage the airport and on the other hand, the competent authority to ensure that the regulation is properly implemented on the airport by the operator.

response *Noted*

comment 2871 comment by: *ADP : Aeroports de Paris*

Commentaire

A l'intérieur de l'Union européenne, beaucoup d'efforts ont été entrepris pour réduire la charge administrative.

Or, le texte de la présente NPA comporte un nombre colossal de règles très précises.

Les descriptions et amendements détaillés dans ces exigences de l'AESA vont accroître la charge administrative et les coûts administratifs.

En conséquence, ADP (Aéroports de Paris) suggère fortement que les règles d'application (IR) soient moins détaillées, qu'elles soient conçues pour fixer un cadre général et que beaucoup d'AMC et de CS soient transférés en éléments informatifs (GM). Ainsi, de nombreux textes doivent plutôt être considérés comme des exemples à suivre et non

comme des solutions imposées indifféremment à tous, d'autant que beaucoup d'entre eux n'ont pas d'effets directs sur la sécurité.

Traduction de courtoisie

Many efforts have been undertaken in the European Union to reduce the administrative burden. But the text of the NPA contains a great volume of very specific rules. These provisions will considerably increase administrative burdens and costs.

Consequently, ADP strongly suggest on one hand to have Implementing rules (IR) less precise and to rather describe a general framework and on the on the hand to transfer many AMC and CS into guidance material (GM). Many texts should be considered as examples to follow instead of being solutions indifferently imposed to anybody, it is even more valid knowing that many of them have no direct effects on safety.

response *Noted*

comment 2873 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

NPA 2011-20 (B.I et III) Com gal 11
Commentaires ACA

Références aux Guidance Materials dans les articles de l'Implementing Rules ou les Spécifications de certification

Commentaire

Pour des raisons de cohérence réglementaire, les références aux Guidance Materials (GM) ne doivent pas être incluses dans les Spécifications de Certification (CS) ni dans les Implementing Rules (IR) et doivent faire l'objet de notes spécifiques.

Dans le cas contraire, cela laisse entendre que le GM a valeur de CS ou d'IR. Ce qui n'e doit pas être le cas

Traduction de courtoisie

For the consistency of the regulation, references to Guidance Materials (GM) must not be included in Certification Specifications (CS) or Implementing Rules (IR) and have to be developed in specific notes. Otherwise, it implies that GM has the same value as CS or IR. It shall not be the case.

response *Noted*

comment 2876 comment by: *ADP : Aeroports de Paris*

Commentaires

L'esprit de coopération dont a fait preuve l'AESA dans l'élaboration de la NPA a été très apprécié. En effet l'Agence a essayé de trouver certaines flexibilités pour les aérodromes. Ces flexibilités s'avèrent cependant insuffisantes car le projet de réglementation présenté aboutit en effet à une perte de la flexibilité actuelle procurée par le système OACI.

Ainsi le règlement reprend les normes et les recommandations de l'Annexe 14 de l'OACI de manière indifférenciée.

ADP insiste pour que les normes et recommandations de l'Annexe 14 ne soient pas traitées de la même manière afin de garder la souplesse du

système OACI.

ADP propose donc que l'AESA adopte comme principe que les recommandations de l'Annexe 14 soient considérées comme des règles de l'art et reprises comme éléments informatifs (GM).

Par ailleurs, la NPA reprend de manière très parcellaire et incomplète les modifications de l'annexe 14 proposées par l'OACI dans sa lettre aux Etats n°41. Or ces modifications ont reçu l'aval de la commission « navigation aérienne » de l'OACI et elles devraient être applicables avant la date d'entrée en vigueur du règlement de l'AESA relatif aux aérodromes.

ADP considère que l'AESA devrait reprendre globalement ces modifications.

Une telle anticipation éviterait à l'Union européenne de se trouver confrontée à une réglementation obsolète dès sa publication.

Traduction de courtoisie

ADP appreciates the spirit of cooperation shown by EASA during the NPA process. EASA has tried to find solutions for flexibility. However, this effort is still not sufficient because the results lead to a loss of flexibility in comparison with the ICAO system. It is notably due to the fact that EASA takes up indistinctly ICAO standards and ICAO recommendations.

ADP strongly wish that EASA deals with ICAO recommendations and ICAO standards with different manners to keep the flexibility of ICAO system.

So ADP proposes that EASA takes as principle to consider ICAO recommendations as good practices only and transpose them into GM.

Moreover NPA reflects very partially and incompletely, the annex 14 modifications proposed by ICAO in its State letter n°41. These modifications have already been validated by the ICAO Air Navigation Commission. It is planned that these modifications would be applicable before the entry into force of EASA regulation.

ADP urges EASA to take up the contents of ICAO State Letter 41, also to anticipate the future ICAO annex 14. Such anticipation will prevent Europe from facing an obsolete regulation from its publication.

response *Noted*

Flexibility with regard to ICAO SARPs: The Agency Certification Specifications are not binding as such and flexibility to both transposed ICAO standards and recommendations is given by installation of Alternative means of compliance, ELoS and Special Condition regardless of its status on ICAO level. The issue of abiding by the rules with regard to ICAO SARPs raised here is explained in the Explanatory Note.

ICAO SL 41: Concerning the adoption of the proposals included in ICAO SL 41-2011, the Agency decided not to follow them for the time being.

comment 2881

comment by: ADP : Aeroports de Paris

Commentaire

Dans plusieurs pays dont la France, les autorités publiques ont un rôle essentiel en matière de sécurité aéroportuaire et disposent à cet effet de prérogatives particulières.

En France le cadre constitutionnel impose que certaines missions soient assurées par une autorité de l'Etat et c'est à ce titre que les préfets

exercent des pouvoirs de police sur l'aéroport et à l'extérieur de l'aéroport, qu'il s'agisse de définir localement des règles de police ou de s'assurer de leur bonne application.

Dans le cadre des projets de l'AESA, ces sujets ne relèveraient plus de l'Etat, mais de l'exploitant d'aérodrome, en particulier par le biais d'arrangements passés entre celui-ci et les organisations fournissant des services sur l'aéroport (organismes chargés de la météo, de la sûreté, de la maintenance, transporteurs aériens...).

Pour permettre de faciliter la mise en œuvre du futur règlement de l'AESA, ADP (Aéroports de Paris) propose que toutes les règles arrêtées par une autorité de l'Etat, y compris les mesures prises par les préfets, soient considérées comme des arrangements et demande que cela soit précisé dans le texte de l'AESA.

Traduction de courtoisie

In different member States including France, public authorities have an essential role concerning airport safety and are in charge of specific powers to this end.

In France the constitutional framework implies that some missions are assumed by a public authority such as the "préfets" who are in charge and have the power to enforce law and order on the aerodromes and also outside the aerodromes whether it is for the definition or the application of the rules.

With the EASA projects, these missions will not be affected to the public authority anymore but to the aerodrome operator by the way of arrangements between itself and others entities providing services at the airport (MET, security, airlines...)

In order to facilitate the implementation of the future regulation, ADP suggests that every rule taken by a public authority, including rules adopted by the "préfets" must be considered as arrangements and this must be written in the EASA project.

response *Noted*

comment

2884

comment by: ADP : Aeroports de Paris

Commentaire

ADP (Aéroports de Paris) attire l'attention de l'AESA sur le fait que ses futures règles doivent être comprises par tous les acteurs qui ont à l'utiliser. En conséquence, ces règles doivent être écrites dans la langue du pays et pas uniquement en langue anglaise.

L'article 32-2 du Règlement de Base (CE N°216/2008) prévoit que les travaux de traduction requis pour le fonctionnement de l'AESA sont effectués par le Centre de traduction des organes de l'Union Européenne.

Cela rejoint aussi la règle ADR.OR.E.005 (i) relative au manuel d'aérodrome. Il est en effet indiqué que le manuel d'aérodrome doit refléter la base de certification et doit être dans une langue acceptable de

l'autorité compétente et comprise par tout le personnel amené à l'utiliser. Aussi les IR-OPS, les AMC et les CS, éléments de la base de certification, doivent, a minima, être écrits dans la langue du pays concerné.

En outre, l'exigence d'utiliser la langue officielle compréhensible par tous se retrouve dans la plupart des Constitutions nationales.

En conséquence les règles de l'AESA relatives aux aéroports doivent aussi être écrites en français pour pouvoir être correctement utilisées sur les aéroports français.

ADP demande à l'AESA d'apporter ses réponses aux **questions suivantes** :

1. En quoi l'absence de traduction en français de la NPA serait respectueuse de l'article 58-2 du Règlement de Base relatif à la transparence et à la communication ? Cet article stipule que l'Agence veille à ce que le public et toute partie intéressée reçoivent rapidement une information objective, fiable et aisément compréhensible concernant ses travaux.

2. En quoi l'absence de traduction en français de la NPA serait respectueuse de la « Rulemaking Procedure » applicable lors de la rédaction et de la publication de la NPA (§2 Explanatory Note page 5/22) ? Cette « Rulemaking Procedure » a été décidée par le Conseil d'Administration du 13 juin 2007 (EASA Management Board Decision 08-2007 –Decision amending and replacing the Rulemaking Procedure – MB Meeting 03-2007) en application de l'article 52 du Règlement de Base . En particulier, en quoi cette absence de traduction serait respectueuse de l'article 6-1 de la Rulemaking Procedure » (précité) et de l'article 52-1-c) du Règlement de Base stipulant que les procédures « garantissent que l'AESA procède à la diffusion des documents et à une large consultation des parties intéressées, ...[...] » ?

3. En quoi l'absence de traduction de la NPA, en français, serait respectueuse de l'article 22 de la Charte des Droits fondamentaux de l'Union Européenne (2010/C 83/02) qui stipule que l'Union Européenne respecte la diversité linguistique ?

4. En quoi l'absence de traduction en français de la NPA, n'enfreindrait pas l'interdiction des discriminations en raison de la nationalité stipulée à l'article 18 du Traité sur le Fonctionnement de l'Union Européenne (TFUE)?

5. En quoi l'absence de traduction en français de la NPA serait respectueuse de l'article 342 du TFUE (ancien article 290 du Traité) et du Règlement n°1 (modifié) portant fixation du régime linguistique de l'Union Européenne ? En particulier, en quoi cette absence de traduction serait compatible avec les exigences des articles 1, 2 et 4 du Règlement n°1? Les articles précités énumèrent la liste des langues officielles et des langues de travail des institutions de l'Union, dont le français. Ils prévoient également que les textes adressés par les institutions à un Etat membre ou à une personne relevant de la juridiction d'un Etat membre sont rédigés dans la langue de cet Etat. Ils stipulent enfin que les textes de portée générale sont rédigés dans les langues officielles.

6. Dans le cas où les réponses aux questions qui précèdent ne seraient pas satisfaisantes au regard du droit positif applicable, comment l'AESA entend reprendre la procédure de NPA afin d'y remédier et procéder pour la publication de ses règles ?

Traduction de courtoisie

ADP draw the attention of EASA on the fact that its futures rules shall be understood by all the actors, who have to use them. Consequently, these rules shall be written in the national language of the State and not only in English.

Article 32-2 of the basic regulation (CE N°216/2008) indicates that all the translation works required for the EASA functioning are performed by the translation center of the EU.

It is also in line with ADR.OR.E.005 (i) related to the aerodrome manual. Indeed, it is indicated that the aerodrome manual shall reflect the basis certification and shall be in a language acceptable by the competent authority and understandable by everyone, who has to use it. So, IR-OPS, AMC and CS, elements of the certification basis shall be written in the official language recognized by the Member State.

Besides, this requirement of the use of the official language appears in most of national constitutions.

In consequence, the EASA regulation shall be written in French to be correctly applied on French aerodromes.

ADP ask EASA to answer to the following questions.

1. How the fact to have no French version of EASA rules could be considered as compliant with article 58-2 of the basic regulation on transparency and communication ? This article indicates that the agency ensure the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its.

2. How the fact to have no French version of EASA rules could be considered as compliant with the « Rulemaking Procedure » applicable for the redaction and publication of the NPA (§2 Explanatory Note page 5/22) ? This « Rulemaking Procedure » is the subject of the EASA Management Board Decision 08-2007 -Decision amending and replacing the Rulemaking Procedure - MB Meeting 03-2007- in application of article 52 of the basic regulation. In particularly, How the fact to have no French version of EASA rules could be considered as compliant with article 6-1 of the EASA Rulemaking Procedure and article 52-1-c) of the basic regulation ("the procedures ensure ensure that the Agency publishes documents and consults widely with interested parties...").

3. How the fact to have no French version of EASA rules could be considered as compliant with the article 22 of the Charter of fundamental rights of the European Union (2010/C 83/02) which stipulates that the European Union respects the linguistic diversity?

4. How the fact to have no French version of EASA rules could be considered as compliant with the interdiction of discrimination due to the nationality as stipulated in article 18 of the Treaty on the functioning of

European Union?

5. How the fact to have no French version of EASA rules could be considered as compliant with article 342 of the Treaty on the functioning of European Union (former article 290) et of the regulation n°1 (modified) governing the languages of the European Union (in particular articles 1, 2 et 4)? These articles give the list of the official languages and the work languages of the EU institutions, including French among others. They also indicate that the r delivered by the EU institutions to a member State or at a citizen of this Member State shall be in the official language of this State and that the general texts are written in official languages.

6. If the answers to the here above questions would not be satisfactory vis-à-vis the applicable rules, how EASA plans to correct the NPA process used and to proceed for the publication of its set of rules ?

response *Noted*

comment

2886

comment by: *ADP : Aeroports de Paris*

Commentaire

ADP (Aéroports de Paris) considère que les dispositions du règlement de base relatives à la proportionnalité des mesures par rapport à la taille, au trafic, à la catégorie et à la complexité de l'aérodrome, ne sont pas réellement transcrites dans le règlement.

Traduction de courtoisie

ADP considers that the principle of the basic regulation to be proportionate to the size, the traffic, the category and the complexity of the aerodrome is not really reflected in the regulation.

response *Noted*

comment

2892

comment by: *ADP : Aeroports de Paris*

Commentaire:

ADP considère que le cas du changement d'exploitant n'est pas correctement et suffisamment traité.

ADP propose que l'on reprenne la règle existante en France sur le sujet avec la possibilité d'introduire des certificats à durée limitée. Grâce à cela, pourra être traité le cas du changement d'exploitant avec la délivrance d'un certificat provisoire permettant d'une part à l'exploitant d'aérodrome d'opérer et d'autre part à l'autorité compétente de vérifier si le règlement est bien appliqué sur la plateforme et respecté par l'exploitant.

Traduction de courtoisie

ADP considers that the case of aerodrome operator is not correctly and sufficiently dealt with.

ADP suggests inspiring from the existing rule in France with the possibility to introduce time limited certificates. Thus, the change of aerodrome operator would be resolved by the grant of a temporary certificate which enables, on one hand, the operator to manage the airport and on the other hand, the competent authority to ensure that the regulation is properly implemented on the airport by the operator.

response *Noted*

comment

3002

comment by: CAA Norway

CAA Norway appreciates the effort made by EASA staff and all those who have contributed in developing this NPA, as well as those commenting on it. A lot of resource is laid down to this time. Still there are points to be made and adjustments to be done before this regulation is ready for adoption. We therefore urge EASA to carefully consider all comments made by different parties, to take due account to the concerns that will be displayed throughout the comment response period.

Despite the overall objective to reduce burdens, we expect that new requirements and detailed descriptions in several paragraphs rather will lead to an increase the administrative workload and administrative costs for authorities as well as for aerodrome operators. Norwegian CAA has already increased the number of employees in the aerodrome section to prepare for the new rules.

The provisions for flexibility, customized compliance and proportionality given under the existing ICAO system, are not satisfactorily reflected in the NPA documents. We also find the documents rather complex in different ways. E.g. the structure of the numbering of AMCs and GMs make them very complex to speak of or refer to. This could become one challenge. We know that this structure, or certain requirements, are already used in other domains, but we cannot see why any structure, content or particular rule has to be kept by EASA only because it is already in use, if it is considered not to be appropriate or suitable for the aerodrome domain.

We do not agree that the national authorities should be required to inform other member states or the commission, as required in several paragraphs. We ask EASA to arrange for handy reporting to the agency, to avoid unnecessary administrative burden for the member states. EASA could for example create a data base for this purpose. We also ask EASA to clarify and facilitate the reporting to ICAO of non-conformities that may derive from the EASA regulation.

Flexibility is essential when converting existing aerodrome certificates into EASA certificates. In this relation we welcome the introduction of the DAAD, as well as the provision for EloS and SC. We support that EASA will leave certification in the hands of the National authorities.

response

Noted

Administrative burden: Partially accepted. This review process has taken place in what concerns IRs, AMCs and CSs. The Agency extensively reviewed its approach to notifications from the competent authorities to the Agency. Where possible, it deleted these notifications or made them information requirements.

Flexibility, customised compliance and proportionality: The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community.

Numbering: Numbering of the paragraphs is reflecting the general principles of the Agency used throughout all its regulations.

Inform/notify: The Agency has extensively reviewed the obligations to notify and made then where possible information requirements. Also the Agency has been more often made the focal point for the distribution of information to other actors.

DAAD, ELOS, SC: Noted.

comment

3009

comment by: *BMVBS - Federal Ministry of Transport, Building and Urban Development*

As requirements for the certification of aerodrome equipment, for the oversight of designers and producers of safety-critical aerodrome equipment, as well as requirements for apron management services are not yet developed, any reference/provision for these issues have to be deleted, in order not to prejudice Member States' positions on those.

Equally, all provisions that are not related to safety issues should be deleted as being out of the scope of the NPA. For example in CS-ADR-DSN.G380 reference is made to the location of de-icing facilities that should be located so as to provide for an expeditious traffic flow.

Executive Summary - Recital 20

Since all European Member States are equally contracting states of ICAO and thus bound to the ICAO convention and its annexes, a European system for aerodromes should respect the worldwide agreed principles of ICAO and refrain from creating special European conditions which jeopardize the competitiveness of the European aviation industry compared to other ICAO members. Therefore, the differentiating between Standards and Recommended Practices is of utmost importance. As this principle is not fully reflected (EASA: "*The structure of European rules, however, does not come with a tool exactly mirroring the character of an ICAO recommendation*"), we strongly advise that the NPA be changed/amended accordingly, e.g. by shifting all ICAO Recommended Practices from CS ADR DSN to GM.

In addition, to avoid any confusion between binding provisions and recommendations, in GM only the word "may" should be used.

Recital 38

Rules of Part-AR that refer to the authorities' management organization or to administrative procedures must be deleted, or be shifted to GM at least, as EASA/COM do not have any legal competence to create such detailed binding rules which would interfere with the Member States' sovereignty. EASA/COM are bound to the fundamental EC principles of subsidiarity and proportionality (Art. 5 EC Treaty). Furthermore, Art. 8a para 5 of the Basic Regulation (BR) does not contain any authorization to standardize the Member States authorities' internal management systems and administrative procedures. The Basic Regulation only authorizes EASA/COM to further establish substantive law provisions amending non-essential elements of the requirements set forth under Art. 8a BR. For example, EASA/COM may establish rules prescribing the conditions / prerequisites for the issuance of aerodrome certificates but they may not establish detailed binding procedural rules on how to handle the issuance process. Instead of deleting the draft organizational / procedural rules, EASA/COM may decide that those rules be shifted to GM at least in order to allow for the necessary flexibility for customized compliance as required by Art. 8a para 6 subpara (e) BR.

It should be mentioned in this context, that Standardization Audits in the

	<p>field of AR/OR referring to the authorities' procedures and personnel would therefore not be acceptable for Germany.</p> <p>Referring to the ICAO Annex 14 system it is totally unclear how existing deviations notified to ICAO will be dealt with under the new European regime.</p>
response	<p><i>Not accepted</i></p> <p>The Agency took the decision to already develop the administrative rules for apron management services, but when appropriate make them dependent on the actual rules of the provision of the service to come into force (see recitals 11 and 12, and Article 11 coming into force). Recital 20: The issue of abiding by the rules with regard to ICAO SARPs raised here is explained in the Explanatory Note. Recital 38: Noted. Existing difference to ICAO: This issue is explained in the Explanatory Note. However, please be aware that the EU rules will replace national rules for those airports that are in the scope of the BR.</p>
comment	<p>3045 comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i></p> <p>General Comment to ADR AR - Support C Already established formal administrative procedures related to the issuance of national approvals or "certificates" respectively or national legal and administrative provisions for exercising supervision should be recognized as an alternative of equal value to the proposed rules of procedure set forth in ADR.AR.C.005 et seq. This is also supported by the fundamental EC/EU principles of subsidiary and proportionality (Art. 5 of the Treaty) and it matches better with the Member States' sovereignty. For this purpose the draft version of Subpart C should only define the main objectives to be achieved, i.e. effective oversight, certification and respective enforcement ensured by the Member States. Meanwhile, the current wording of Subpart C might serve well as an example of compliance and should therefore become part of AMC or GM</p>
response	<p><i>Not accepted</i></p> <p>The Agency took the decision to already develop the administrative rules for apron management services, but when appropriate make them dependent on the actual rules of the provision of the service to come into force (see recitals 11 and 12, and Article 11 coming into force). Recital 20: The issue of abiding by the rules with regard to ICAO SARPs raised here is explained in the Explanatory Note. Recital 38: Noted. Existing difference to ICAO: This issue is explained in the Explanatory Note. However, please be aware that the EU rules will replace national rules for those airports that are in the scope of the BR.</p>
comment	<p>3088 comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <p>CANSO recommends the use of "should" in GM, no "should" in AMC and the use of a single AMC to the same IR and a single GM to the same AMC.</p>
response	<p><i>Noted</i></p>

Based on the status of IR, AMC, CS and GM, 'shall' or 'should' is used. GM (Guidance Material) or AMC (Acceptable Means of compliance) on different subject matters are handled separately and numbered sequentially according to our drafting principles.

comment	3195	comment by: <i>DAA Cork Airport</i>
	<p>1 - EASA has used the term – 'Equivalent Level of Safety (ELOS)' throughout the NPA. While an ELOS was appropriate in other areas of Aviation Safety, it is inappropriate in the aerodrome domain. Demonstration of an ELOS requires a quantitative risk analysis as this is the only method of providing evidence of achieving equivalence. The majority of risk assessments undertaken at Aerodromes are qualitative in nature and such a requirement, without being proper definition in the context of aerodrome operations, could place a significant burden in terms of both costs and resourcing.</p> <p>ELOS should be defined and note that this does not specifically require a quantitative risk analysis to be performed.</p> <p>ACI Europe EASA Taskforce has suggested the following as a proposed definition:</p> <p>"Description of a general solution, accepted by the competent authority, which is proposed as an alternative to a Certification Specification or a set of Certification Specifications."</p> <p>DAA would support the adoption of such a generally flexible definition.</p> <p>2 - No definition is provided in respect of the terms: SHALL / SHOULD / MAY used extensively throughout the documentation of the NPA. The addition and context of the word: "MAY" with regard to compliance must be defined to avoid confusion.</p>	
response	<i>Noted</i>	
	<p>1. ELOS: There is GM on the AR side on ELOS. There is no intention to define ELOS.</p> <p>2. Use of 'shall/should/may': The Agency has reviewed its uses of the terms. However, they are common English language words and therefore do not need a definition.</p>	
comment	3222	comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i>
	<p>Attachment #31</p> <p>SEARD NPA 2011-20 (B.I-III) Com gal 1</p> <p>Objet et portée du règlement</p> <p>Traduction de courtoisie</p> <p>There is a doubt about the object and the scope of the EASA regulation on aerodromes, issue of the present NPA.</p>	

- Does this regulation create obligations towards other entities than the competent authority and the aerodrome operator such as local authorities or owners outside of the airport boundaries?
- Does the regulation creates rights for users of the airport and enables them to introduce court claims on this basis?

Besides, the legal applicability of others documents prepared by the EASA is uncertain. In its explanatory note (paragraph 16), the agency indicates that AMCs are non-essential and non-biding whereas the ADR.OR.A.015 is in contradiction with this affirmation: "*The aerodrome operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification*". This must imperatively be clarified because all comments on AMC are largely related to their juridical value.

SEARD considers that EASA's regulation should only be related to the certification of aerodromes. This position is confirmed by the fact that every specification of the NPA have been provided only in the scope of an aerodrome certification.

To this end, SEARD is in favour of a better delimitation of the regulation object at article 1 of cover regulation. Without such precision, the regulation would interfere with other activities which are note in the scope of competence of the EASA notably concerning ground handling, urbanism and public security.

response *Noted*

comment 3225 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#32](#)

SEARD NPA 2011-20 (B.I-III) Com gal 6

Arrangements

Traduction de courtoisie

In different member States including France, public authorities have an essential role concerning airport safety and are in charge of specific powers to this end.

In France the constitutional framework implies that some missions are assumed by a public authority such as the "préfets" who are in charge and have the power to enforce law and order on the aerodromes and also outside the aerodromes whether it is for the definition or the application of the rules.

With the EASA projects, these missions will not be affected to the public authority anymore but to the aerodrome operator by the way of arrangements between itself and others entities providing services at the airport (MET, security, airlines...)

In order to facilitate the implementation of the future regulation, SEARD suggests that every rule taken by a public authority, including rules adopted by the "préfets" must be considered as arrangements and this must be written in the EASA project.

response *Noted*

comment	<p>3325 comment by: <i>Fraport AG</i></p> <p>Attachment #33</p> <p>see comments B.I 3431 - 3509</p> <p>This coment is done by seperat document, which is attached.</p> <p>30.04.2012 Fraport AG, Boris Wilke</p>
response	<p><i>Noted</i></p> <p>1. Noted.</p> <p>2. Aerodrome operators responsibilities: The Basic Regulation attributed a number of responsibilities to aerodrome operators (Essential Requirements Part B). However, the Agency has developed an Implementing Rule in Annex III to handle situations where such responsibility does not lie directly with aerodrome operators (ADR.OPS.B.001).</p> <p>3. Administrative burden: Partially accepted. This review process has taken place in what concerns IRs, AMCs and CSs. The Agency extensively reviewed its approach to notifications from the competent authorities to the Agency. Where possible, it deleted these notifications or made them information requirements.</p> <p>4. Structure: Noted.</p> <p>5. Flexibility, customised compliance and proportionality: Noted. The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community. Flexibility at the AMC/CS level is for all requirements given by installation of AMCs, ELOS and SCs regardless of its status on ICAO level. This issue is further explained in the Explanatory Note.</p> <p>6. ICAO SL 41: Concerning the adoption of the proposals included in ICAO SL 41-2011, the Agency decided not to follow them for the time being.</p> <p>7. Local legislation: The Basic Regulation in its Essential Requirements is clear on the matter of arrangements: 'the aerodrome operator shall establish arrangements with other relevant organisations to ensure continuing compliance with these essential requirements for aerodromes. These organisations include, but are not limited to, aircraft operators, air navigation service providers, ground handling service providers and other organisations whose activities or products may have an effect on aircraft safety'; So, to the extent that there is no such arrangements between the aerodrome operator itself and the other parties, the EU law is not respected. Such arrangements are meant to contain and solve issues, such as who does what, how, how often, what if cases, and so on. For the reasons above, local legislation cannot count as arrangements.</p> <p>8. ADQ: Noted.</p>
comment	<p>3327 comment by: <i>Isavia</i></p> <p>Isavia appreciates the spirit of cooperation on the development of the</p>

suggested rules and the preparation of the NPA document. EASA has so far cooperated openly with the European airports and has tried to find solutions to have flexibility which is seen positively, since it is something airports requested from the beginning. However, there are still some comments Isavia will address since we believe that they are crucial for a successful set of rules.

Within these requirements the responsibility of the aerodrome operator is significantly increased. More and more issues are brought under the responsibility of the aerodrome operators without additional authorities.

Within the EU a lot of effort has been put in place to reduce the administrative load enforced by governments. The detailed descriptions and amendments in these EASA requirements will decrease, but increase the administrative workload and administrative costs. Therefore we suggest to make the implementing rules less detailed and more like a framework and transfer many AMCs and CS into Guidance Material.

There is a need for a consistent numbering process for all tables and figures as well as their references. For Example, AMC2.ADR.OPS.B.075.

The structure of the rules and cross references makes the documents complex to read and understand. In ADR.OR.E.005 operators are required to observe human factors principles and organise their aerodrome manuals in a manner that facilitates preparation, use and review. It would be advantageous, if also the EASA documents would follow these principles.

The provisions for flexibility, customised compliance and proportionality given under the existing ICAO system, is not satisfactorily reflected in the NPA documents. It is notably due to the fact that recommendations have been transposed to the same level as standards.

We urge EASA to make consistency checks with regards to the usage of the contents of ICAO State Letter 41 and ensure that only SARPS which are published are used in establishing EASA documentation.

The principle of the BR to be proportionate to the size, traffic, category and complexity of the aerodrome and nature as well as the volume of operations thereon. (Art. 8a (6) (b) should be reflected in the Regulation.

response

Noted

Aerodrome operators responsibilities: The Basic Regulation attributed a number of responsibilities to aerodrome operators (Essential Requirements Part B). However, the Agency has developed an Implementing Rule in Annex III to handle situations where such responsibility does not lie directly with aerodrome operators (ADR.OPS.B.001).

Administrative burden: Partially accepted. This review process has taken place in what concerns IRs, AMCs and CSs. The Agency extensively reviewed its approach to notifications from the competent authorities to the Agency. Where possible, it deleted these notifications or made them information requirements.

Numbering: Numbering will be corrected.

Structure: Noted.

Flexibility, customised compliance and proportionality: The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community. Flexibility at the AMC/CS level is for all requirements given by installation of AMCs, ELOS and SCs regardless of its status on ICAO

level. This issue is further explained in the Explanatory Note.

ICAO SL 41: Concerning the adoption of the proposals included in ICAO SL 41-2011, the Agency decided not to follow them for the time being.

comment	3391	comment by: <i>ADV -German Airports Association</i>
	ADV – German Airports Association supports additional comments made by German authorities regarding the Authority Requirements.	
response	<i>Noted</i>	

comment	3431	comment by: <i>Fraport AG</i>
	Fraport appreciates the spirit of cooperation on the development of the suggested rules and the preparation of the NPA document. EASA has so far cooperated openly with the European airports and has tried to find solutions to have flexibility which is seen positively, since it is something airports requested from the beginning. However, there are still some comments Fraport will address since we believe that they are crucial for a successful set of rules.	
response	<i>Noted</i>	

comment	3432	comment by: <i>Fraport AG</i>
	Within these requirements the responsibility of the aerodrome operator areas significantly increased. More and more issue are brought under the responsibility of the aerodrome operators. Some of these topics are under German state responsibility which would not change in the future. Here aerodromes should only come into a role of x-checker and identifier, not as responsible institution with legal directive force.	
response	<i>Noted</i>	
	The Basic Regulation attributed a number of responsibilities to aerodrome operators (Essential Requirements Part B). However, the Agency has developed an Implementing Rule in Annex III to handle situations where such responsibility does not lie directly with aerodrome operators (ADR.OPS.B.001).	

comment	3433	comment by: <i>Fraport AG</i>
	Within the EU a lot of effort has been put in place to reduce the administrative load enforced by governments. The detailed descriptions and amendments in these EASA requirements will decrease, but increase the administrative workload and administrative costs. Therefore we suggest to make the implementing rules less detailed and more like a framework and transfer many AMCs and CS into Guidance Material.	
response	<i>Partially accepted</i>	
	This review process has taken place in what concerns IRs, AMCs and CSs. The Agency extensively reviewed its approach to notifications from the competent authorities to the Agency. Where possible, it deleted these	

notifications or made them information requirements.

comment	3434	comment by: <i>Fraport AG</i>
	The structure of the rules and cross references makes the documents complex to read and understandable. In ADR.OR.E.OO5 operators are required to observe human factors principles and organize their aerodrome manuals in a manner that facilitates preparation, use and review. It would be advantageous, if the EASA documents would follow these principles.	
response	<i>Noted</i>	

comment	3435	comment by: <i>Fraport AG</i>
	The provisions for flexibility, customized compliance and proportionality given under the existing ICAO system, are not satisfactorily reflected in the NPA documents. It is notably due to the fact that recommendations have been transposed to the same level as standards which has never been accepted by Fraport and other aerodromes since it limits the needed flexibility.	
response	<i>Noted</i>	
	The Agency feels that it has respected the Basic Regulation principles for proportionality, better regulation, and customised compliance, and that it has taken account of the variations in airport infrastructure in the Community. Flexibility at the AMC/CS level is for all requirements given by installation of AMCs, ELOS and SCs regardless of its status on ICAO level. This issue is further explained in the Explanatory Note.	

comment	3436	comment by: <i>Fraport AG</i>
	Letter 41 and ensure that only SARPS which are published are used in establishing EASA documentation. An exception to the above mentioned statement is the already accepted proposal by ICAO for the definition of LED lights and its performances.	
response	<i>Noted</i>	
	Concerning the adoption of the proposals included in ICAO SL 41-2011, the Agency decided not to follow them for the time being.	

comment	3437	comment by: <i>Fraport AG</i>
	Local legislation should be considered as arrangements (see general comment 02 to this document)	
response	<i>Noted</i>	
	The Basic Regulation in its Essential Requirements is clear on the matter of arrangements: 'the aerodrome operator shall establish arrangements with other relevant organisations to ensure continuing compliance with these essential requirements for aerodromes. These organisations include, but are not limited to, aircraft operators, air navigation service providers,	

ground handling service providers and other organisations whose activities or products may have an effect on aircraft safety’;

So, to the extent that there is no such arrangements between the aerodrome operator itself and the other parties, the EU law is not respected. Such arrangements are meant to contain and solve issues, such as who does what, how, how often, what if cases, and so on. For the reasons above, local legislation cannot count as arrangements.

comment

3438

comment by: *Fraport AG*

Other already existing EU regulations in the contents of the SES II package seems not adequately recognized in the proposed rule structure. As example the regulation (EU) No 73/2010 on “Aeronautical Data Quality” is mentioned. EASA is defining already regulated parts new in this framework.

response

Noted

comment

3524

comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*Attachment [#34](#)

SEARD NPA 2011-20 (B.I-III) Com gal 2

Responsabilité de l’exploitant

Traduction de courtoisie

The EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in France. More and more missions have been put under the responsibility of aerodrome operator.

The rulemaking rationale should lead to counter balance this increase of responsibilities by conferring the necessary powers to the aerodrome operator in order to assume his new responsibilities. But the EASA regulation cannot confer such powers to the operator. Indeed, the repartition of responsibilities in member States is, in some cases, conducted under constitutional rules, for example when they are affected to public authorities, is largely out of the scope of the EASA. Moreover, some provisions relating to the missions of the aerodrome operator do not take into account the principles of subsidiarity and proportionality. The safety of air transport must be assured without altering the repartition of the missions in member States. Each member States must have the possibility to designate authorities or entities in charge of the missions mentioned in the regulation notably concerning the obligation outside of the airport perimeter.

In others cases, the maintaining of competencies of public authorities is fixed by EU requirements. It is for example the case with the Directive (modified) n° 96/67/ CE dated 15 October 1996 related to the ground handling. Article 14 of this directive indicates that if the activity of a ground handler might be dependent on safety conditions of aircraft, equipment and persons, such conditions shall be defined and implemented by a public authority independent of the aerodrome operator through an agreement process. Consequently, the aerodrome operator has no power to forbid the access of a ground handler at the airport or to suspend this

access for reasons related to safety. The draft of the future regulation to replace this directive does not modify this aspect (article 16 of the draft dated 16/03/2012).

Consequently, SEARD suggests to insert a new article between article 2 and article 3 of the cover regulation :

Article 2 bis: "competent authorities"

Points 1 and 2 of article 3 of the cover regulation (« 1. Member States shall designate [...] No 216/2008. ») must be integrated in this new article 2 bis because they are the first rules about competent authority apart from the scope of monitoring, stricto sensu. These paragraphs are completed with the addition of the following paragraph: "When the responsibilities mentioned in the annexes of this regulation are assumed by an entity which is independent from the aerodrome operator, the competent authority shall ensure that all the essential requirements are covered and shall describe the allocation of these responsibilities in the approval terms of the certificate."

response *Noted*

comment 3525 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#35](#)

SEARD NPA 2011-20 (B.I-III) Com gal 3

Nombre de spécifications de certification (CS) et de moyens acceptables de conformité (AMC)

Traduction de courtoisie

Many efforts have been undertaken in the European Union to reduce the administrative burden. But the text of the NPA contains a great volume of very specific rules. These provisions will considerably increase administrative burdens and costs.

Consequently, we strongly suggest on one hand to have Implementing rules (IR) less precise and to rather describe a general framework and on the other hand to transfer many AMC and CS into guidance material (GM). Many texts should be considered as examples to follow instead of being solutions indifferently imposed to anybody, it is even more valid knowing that many of them have no direct effects on safety.

response *Noted*

comment 3526 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#36](#)

SEARD NPA 2011-20 (B.I-III) Com gal 4

Modification de l'annexe 14 de l'OACI

Traduction de courtoisie

SEARD appreciates the spirit of cooperation shown by EASA during the NPA process. EASA has tried to find solutions for flexibility. However, this effort is still not sufficient because the results lead to a loss of flexibility in

comparison with the ICAO system. It is notably due to the fact that EASA takes up indistinctly ICAO standards and ICAO recommendations. SEARD strongly wish that EASA deals with ICAO recommendations and ICAO standards with different manners to keep the flexibility of ICAO system.

So SEARD proposes that EASA takes as principle to consider ICAO recommendations as good practices only and transpose them into GM. SEARD admits that, after use of this principle, some ICAO recommendations (few) could be CS or AMC, for example the recommendation related to the runway width. Moreover NPA reflects very partially and incompletely, the annex 14 modifications proposed by ICAO in its State letter n°41. These modifications have already been validated by the ICAO Air Navigation Commission and many ICAO experts. It is planned that these modifications would be applicable before the entry into force of EASA regulation.

SEARD urges EASA to take up the contents of ICAO State Letter 41, also to anticipate the future ICAO annex 14, which will be more based on objectives or performances to reach than prescriptive rules. Such anticipation will prevent Europe from facing an obsolete regulation from its publication.

SEARD reminds that Annex 14 has been thought out in the middle of the last century for airport design when there was still space around. Nowadays, the paradigm has changed because rules should be thought for aerodrome certification in an optimisation of space and resources. Existing annex 14 SARPS reflect very incompletely this new paradigm. N.B.: in several comments about CS and AMC, SEARD indicates that it is appropriate to transfer the CS or AMC into GM. Such transfer needs to rewrite the text so that the term "should" does not appear anymore. Indeed, this term should be used only for CS and AMC in the present regulation.

response *Noted*

comment 3527 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#37](#)

SEARD NPA 2011-20 (B.I-III) Com gal 5

Forme

Traduction de courtoisie
The structure of the rules and cross references makes the document complex to read and understand.

response *Accepted*

comment 3528 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#38](#)

SEARD NPA 2011-20 (B.I-III) Com gal 7

Langue

Traduction de courtoisie

SEARD draw the attention of EASA on the fact that its futures rules shall be understood by all the actors, who have to use them. Consequently, these rules shall be written in the national language of the State and not only in English.

§2.2.2 of the « Regulatory Impact Assessment » (page 15/130) giving the number of French airports entering the scope of the future EASA rules indicate that many of them are French: "Looking at the result for individual Member States, France has two peculiarities in this European picture : it has the largest number of aerodromes (159) and it is also the country with the highest number of aerodromes below the BR threshold (72 i.e. in relative share 45%...[...]" French airports are so particularly interested to know, understand and appreciate the impact of the EASA rules of this NPA.

The consultation, only in English, does not allow to French airports operators, having no sufficient translation means, to know, understand and correctly appreciate the impact of the rules proposed in this NPA. Consequently, French aerodrome operators are not able to use all their rights, which are recognized by article 6.1 of the "rulemaking procedure", applicable for the redaction and the publication of NPA: "Any person or organisation with an interest in the rule under development shall be entitled to comment on the basis of the published NPA, without discrimination on the basis of nationality".

Article 32-2 of the basic regulation (CE N°216/2008) indicates that all the translation works required for the EASA functioning are performed by the translation center of the EU.

It is also in line with ADR.OR.E.005 (i) related to the aerodrome manual. Indeed, it is indicated that the aerodrome manual shall reflect the basis certification and shall be in a language acceptable by the competent authority and understandable by everyone, who has to use it. So, IR-OPS, AMC and CS, elements of the certification basis shall be written in the official language recognized by the Member State.

Besides, this requirement of the use of the official language appears in most of national constitutions.

In consequence, the EASA regulation shall be written in French to be correctly applied on French aerodromes.

It is why, SEARD ask EASA to answer to the following questions.

1. How the fact to have no French version of EASA rules could be considered as compliant with article 58-2 of the basic regulation on transparency and communication ? This article indicates that the agency ensure the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its.

2. How the fact to have no French version of EASA rules could be considered as compliant with the « Rulemaking Procedure » applicable for the redaction and publication of the NPA (§2 Explanatory Note page 5/22) ? This « Rulemaking Procedure » is the subject of the EASA Management Board Decision 08-2007 -Decision amending and replacing the Rulemaking Procedure - MB Meeting 03-2007- in application of article 52 of the basic regulation. In particularly, How the fact to have no French version of EASA rules could be considered as compliant with article 6-1 of the EASA Rulemaking Procedure and article 52-1-c) of the basic regulation ("the procedures ensure ensure that the Agency publishes documents and consults widely with interested parties...").

3. How the fact to have no French version of EASA rules could be

considered as compliant with the article 22 of the Charter of fundamental rights of the European Union (2010/C 83/02) which stipulates that the European Union respects the linguistic diversity?

4. How the fact to have no French version of EASA rules could be considered as compliant with the interdiction of discrimination due to the nationality as stipulated in article 18 of the Treaty on the functioning of European Union?

5. How the fact to have no French version of EASA rules could be considered as compliant with article 342 of the Treaty on the functioning of European Union (former article 290) et of the regulation n°1 (modified) governing the languages of the European Union (in particular articles 1, 2 et 4)? These articles give the list of the official languages and the work languages of the EU institutions, including French among others. They also indicate that the r delivered by the EU institutions to a member State or at a citizen of this Member State shall be in the official language of this State and that the general texts are written in official languages.

6.If the answers to the here above questions would not be satisfactory vis-à-vis the applicable rules, how EASA plans to correct the NPA process used and to proceed for the publication of its set of rules ?

response *Noted*

comment 3529 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#39](#)

SEARD NPA 2011-20 (B.I-II) Com gal 8

Respect du règlement de base

Traduction de courtoisie

The principle of the basic regulation to be proportionate to the size, the traffic, the category and the complexity of the aerodrome is not really reflected in the regulation.

response *Noted*

comment 3530 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#40](#)

SEARD NPA 2011-20 (B.I) Com gal 9

Changement d'exploitant

Traduction de courtoisie

SEARD considers that the case of aerodrome operator is not correctly and sufficiently dealt with.

The EASA seems to have an idealistic view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality.

SEARD suggests inspiring from the existing rule in France with the possibility to introduce time limited certificates. Thus, the change of aerodrome operator would be resolved by the grant of a temporary

	<p>certificate which enables, on one hand, the operator to manage the airport and on the other hand, the competent authority to ensure that the regulation is properly implemented on the airport by the operator.</p>
response	<p><i>Noted</i></p>
comment	<p>3531 comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i></p> <p>Attachment #41</p> <p>SEARD NPA 2011-20 (B.I et III) Com gal 11</p> <p>Références aux Guidance Materials dans les articles de l'Implementing Rules ou les Spécifications de certification</p> <p>Traduction de courtoisie For the consistency of the regulation, references to Guidance Materials (GM) must not be included in Certification Specifications (CS) or Implementing Rules (IR) and have to be developed in specific notes. Otherwise, it implies that GM has the same value as CS or IR. It shall not be the case.</p>
response	<p><i>Noted</i></p>
comment	<p>3533 comment by: <i>ATB Aéroport Toulouse-Blagnac - TLS/LFBO</i></p> <p>Attachment #42</p> <p>ATB NPA 2011-20 (B.I-III) Com gal 2</p> <p>Responsabilité de l'exploitant</p> <p>Traduction de courtoisie The EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in France. More and more missions have been put under the responsibility of aerodrome operator. The rulemaking rationale should lead to counter balance this increase of responsibilities by conferring the necessary powers to the aerodrome operator in order to assume his new responsibilities. But the EASA regulation cannot confer such powers to the operator. Indeed, the repartition of responsibilities in member States is, in some cases, conducted under constitutional rules, for example when they are affected to public authorities, is largely out of the scope of the EASA. Moreover, some provisions relating to the missions of the aerodrome operator do not take into account the principles of subsidiarity and proportionality. The safety of air transport must be assured without altering the repartition of the missions in member States. Each member States must have the possibility to designate authorities or entities in charge of the missions mentioned in the regulation notably concerning the obligation outside of the airport perimeter. In others cases, the maintaining of competencies of public authorities is fixed by EU requirements. It is for example the case with the Directive (modified) n° 96/67/ CE dated 15 October 1996 related to the ground handling. Article 14 of this directive indicates that if the activity of a</p>

ground handler might be dependent on safety conditions of aircraft, equipment and persons, such conditions shall be defined and implemented by a public authority independent of the aerodrome operator through an agreement process. Consequently, the aerodrome operator has no power to forbid the access of a ground handler at the airport or to suspend this access for reasons related to safety. The draft of the future regulation to replace this directive does not modify this aspect (article 16 of the draft dated 16/03/2012).

Consequently, ATB suggests to insert a new article between article 2 and article 3 of the cover regulation :

Article 2 bis: "competent authorities"

Points 1 and 2 of article 3 of the cover regulation (« 1. Member States shall designate [...] No 216/2008. ») must be integrated in this new article 2 bis because they are the first rules about competent authority apart from the scope of monitoring, *stricto sensu*. These paragraphs are completed with the addition of the following paragraph: "When the responsibilities mentioned in the annexes of this regulation are assumed by an entity which is independent from the aerodrome operator, the competent authority shall ensure that all the essential requirements are covered and shall describe the allocation of these responsibilities in the approval terms of the certificate."

response *Noted*

comment 3534 comment by: ATB Aéroport Toulouse-Blagnac - TLS/LFBO
Attachment [#43](#)

ATB NPA 2011-20 (B.I-II) Com gal 8

Respect du règlement de base

Traduction de courtoisie

The principle of the basic regulation to be proportionate to the size, the traffic, the category and the complexity of the aerodrome is not really reflected in the regulation.

response *Noted*

comment 3535 comment by: ATB Aéroport Toulouse-Blagnac - TLS/LFBO
Attachment [#44](#)

ATB NPA 2011-20 (B.I) Com gal 9

Changement d'exploitant

Traduction de courtoisie

ATB considers that the case of aerodrome operator is not correctly and sufficiently dealt with.

The EASA seems to have an idealistic view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality.

ATB suggests inspiring from the existing rule in France with the possibility to introduce time limited certificates. Thus, the change of aerodrome operator would be resolved by the grant of a temporary certificate which

enables, on one hand, the operator to manage the airport and on the other hand, the competent authority to ensure that the regulation is properly implemented on the airport by the operator.

response *Noted*

comment 3536 comment by: *Tarbes-Lourdes-Pyrénées airport*

Attachment [#45](#)

NPA 2011-20 (B.I-III) Com gal 1

Objet et portée du règlement

Traduction de courtoisie

There is a doubt about the object and the scope of the EASA regulation on aerodromes, issue of the present NPA.

- Does this regulation create obligations towards other entities than the competent authority and the aerodrome operator such as local authorities or owners outside of the airport boundaries?
- Does the regulation creates rights for users of the airport and enables them to introduce court claims on this basis?

Besides, the legal applicability of others documents prepared by the EASA is uncertain. In its explanatory note (paragraph 16), the agency indicates that AMCs are non-essential and non-biding whereas the ADR.OR.A.015 is in contradiction with this affirmation: "*The aerodrome operator may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification*". This must imperatively be clarified because all comments on AMC are largely related to their juridical value.

UAF considers that EASA's regulation should only be related to the certification of aerodromes. This position is confirmed by the fact that every specification of the NPA have been provided only in the scope of an aerodrome certification.

To this end, UAF is in favour of a better delimitation of the regulation object at article 1 of cover regulation. Without such precision, the regulation would interfere with other activities which are note in the scope of competence of the EASA notably concerning ground handling, urbanism and public security.

response *Noted*

comment 3537 comment by: *Tarbes-Lourdes-Pyrénées airport*

Attachment [#46](#)

NPA 2011-20 (B.I-III) Com gal 2

Responsabilité de l'exploitant

Traduction de courtoisie

The EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in France. More and more missions have been put under the responsibility of aerodrome

operator.

The rulemaking rationale should lead to counter balance this increase of responsibilities by conferring the necessary powers to the aerodrome operator in order to assume his new responsibilities. But the EASA regulation cannot confer such powers to the operator. Indeed, the repartition of responsibilities in member States is, in some cases, conducted under constitutional rules, for example when they are affected to public authorities, is largely out of the scope of the EASA. Moreover, some provisions relating to the missions of the aerodrome operator do not take into account the principles of subsidiarity and proportionality. The safety of air transport must be assured without altering the repartition of the missions in member States. Each member States must have the possibility to designate authorities or entities in charge of the missions mentioned in the regulation notably concerning the obligation outside of the airport perimeter.

In others cases, the maintaining of competencies of public authorities is fixed by EU requirements. It is for example the case with the Directive (modified) n° 96/67/ CE dated 15 October 1996 related to the ground handling. Article 14 of this directive indicates that if the activity of a ground handler might be dependent on safety conditions of aircraft, equipment and persons, such conditions shall be defined and implemented by a public authority independent of the aerodrome operator through an agreement process. Consequently, the aerodrome operator has no power to forbid the access of a ground handler at the airport or to suspend this access for reasons related to safety. The draft of the future regulation to replace this directive does not modify this aspect (article 16 of the draft dated 16/03/2012).

Consequently, UAF suggests to insert a new article between article 2 and article 3 of the cover regulation:

Article 2 bis: "competent authorities"

Points 1 and 2 of article 3 of the cover regulation (« 1. Member States shall designate [...] No 216/2008. ») must be integrated in this new article 2 bis because they are the first rules about competent authority apart from the scope of monitoring, *stricto sensu*. These paragraphs are completed with the addition of the following paragraph: "When the responsibilities mentioned in the annexes of this regulation are assumed by an entity which is independent from the aerodrome operator, the competent authority shall ensure that all the essential requirements are covered and shall describe the allocation of these responsibilities in the approval terms of the certificate."

response *Noted*

comment 3538 comment by: *Tarbes-Lourdes-Pyrénées airport*
Attachment [#47](#)
NPA 2011-20 (B.I-III) Com gal 3
Nombre de spécifications de certification (CS) et de moyens acceptables de conformité (AMC)
Traduction de courtoisie
Many efforts have been undertaken in the European Union to reduce the administrative burden. But the text of the NPA contains a great volume of very specific rules. These provisions will considerably increase administrative burdens and costs.

Consequently, we strongly suggest on one hand to have Implementing rules (IR) less precise and to rather describe a general framework and on the other hand to transfer many AMC and CS into guidance material (GM). Many texts should be considered as examples to follow instead of being solutions indifferently imposed to anybody, it is even more valid knowing that many of them have no direct effects on safety.

response *Noted*

comment 3539 comment by: *Tarbes-Lourdes-Pyrénées airport*

Attachment [#48](#)

NPA 2011-20 (B.I-III) Com gal 4

Modification de l'annexe 14 de l'OACI

Traduction de courtoisie

UAF appreciates the spirit of cooperation shown by EASA during the NPA process. EASA has tried to find solutions for flexibility. However, this effort is still not sufficient because the results lead to a loss of flexibility in comparison with the ICAO system. It is notably due to the fact that EASA takes up indistinctly ICAO standards and ICAO recommendations. UAF strongly wish that EASA deals with ICAO recommendations and ICAO standards with different manners to keep the flexibility of ICAO system. So UAF proposes that EASA takes as principle to consider ICAO recommendations as good practices only and transpose them into GM. UAF admits that, after use of this principle, some ICAO recommendations (few) could be CS or AMC, for example the recommendation related to the runway width.

Moreover NPA reflects very partially and incompletely, the annex 14 modifications proposed by ICAO in its State letter n°41. These modifications have already been validated by the ICAO Air Navigation Commission and many ICAO experts. It is planned that these modifications would be applicable before the entry into force of EASA regulation.

UAF urges EASA to take up the contents of ICAO State Letter 41, also to anticipate the future ICAO annex 14, which will be more based on objectives or performances to reach than prescriptive rules. Such anticipation will prevent Europe from facing an obsolete regulation from its publication.

UAF reminds that Annex 14 has been thought out in the middle of the last century for airport design when there was still space around. Nowadays, the paradigm has changed because rules should be thought for aerodrome certification in an optimisation of space and resources. Existing annex 14 SARPS reflect very incompletely this new paradigm. N.B.: in several comments about CS and AMC, UAF indicates that it is appropriate to transfer the CS or AMC into GM. Such transfer needs to rewrite the text so that the term "should" does not appear anymore. Indeed, this term should be used only for CS and AMC in the present regulation.

response *Noted*

comment 3540 comment by: *Tarbes-Lourdes-Pyrénées airport*

	<p>Attachment #49</p> <p>NPA 2011-20 (B.I-III) Com gal 5</p> <p>Forme</p> <p>Traduction de courtoisie The structure of the rules and cross references makes the document complex to read and understand.</p>
response	<i>Accepted</i>
comment	<p>3541 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i></p> <p>Attachment #50</p> <p>NPA 2011-20 (B.I-III) Com gal 6</p> <p>Arrangements</p> <p>Traduction de courtoisie In different member States including France, public authorities have an essential role concerning airport safety and are in charge of specific powers to this end. In France the constitutional framework implies that some missions are assumed by a public authority such as the "préfets" who are in charge and have the power to enforce law and order on the aerodromes and also outside the aerodromes whether it is for the definition or the application of the rules. With the EASA projects, these missions will not be affected to the public authority anymore but to the aerodrome operator by the way of arrangements between itself and others entities providing services at the airport (MET, security, airlines...) In order to facilitate the implementation of the future regulation, UAF suggests that every rule taken by a public authority, including rules adopted by the "préfets" must be considered as arrangements and this must be written in the EASA project.</p>
response	<i>Noted</i>
comment	<p>3542 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i></p> <p>Attachment #51</p> <p>NPA 2011-20 (B.I-III) Com gal 7</p> <p>Langue</p> <p>Traduction de courtoisie UAF draw the attention of EASA on the fact that its futures rules shall be understood by all the actors, who have to use them. Consequently, these rules shall be written in the national language of the State and not only in English. §2.2.2 of the « Regulatory Impact Assessment » (page 15/130) giving the number of French airports entering the scope of the future EASA rules indicate that many of them are French: "Looking at the result for individual Member States, France has two peculiarities in this European</p>

picture : it has the largest number of aerodromes (159) and it is also the country with the highest number of aerodromes below the BR threshold (72 i.e. in relative share 45%...[...]"'. French airports are so particularly interested to know, understand and appreciate the impact of the EASA rules of this NPA.

The consultation, only in English, does not allow to French airports operators, having no sufficient translation means, to know, understand and correctly appreciate the impact of the rules proposed in this NPA. Consequently, French aerodrome operators are not able to use all their rights, which are recognized by article 6.1 of the "rulemaking procedure", applicable for the redaction and the publication of NPA: "Any person or organisation with an interest in the rule under development shall be entitled to comment on the basis of the published NPA, without discrimination on the basis of nationality". Article 32-2 of the basic regulation (CE N°216/2008) indicates that all the translation works required for the EASA functioning are performed by the translation center of the EU. It is also in line with ADR.OR.E.005 (i) related to the aerodrome manual. Indeed, it is indicated that the aerodrome manual shall reflect the basis certification and shall be in a language acceptable by the competent authority and understandable by everyone, who has to use it. So, IR-OPS, AMC and CS, elements of the certification basis shall be written in the official language recognized by the Member State. Besides, this requirement of the use of the official language appears in most of national constitutions. In consequence, the EASA regulation shall be written in French to be correctly applied on French aerodromes. It is why, UAF ask EASA to answer to the following questions.

1. How the fact to have no French version of EASA rules could be considered as compliant with article 58-2 of the basic regulation on transparency and communication ? This article indicates that the agency ensure the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its.

2. How the fact to have no French version of EASA rules could be considered as compliant with the « Rulemaking Procedure » applicable for the redaction and publication of the NPA (§2 Explanatory Note page 5/22) ? This « Rulemaking Procedure » is the subject of the EASA Management Board Decision 08-2007 -Decision amending and replacing the Rulemaking Procedure - MB Meeting 03-2007- in application of article 52 of the basic regulation. In particular, How the fact to have no French version of EASA rules could be considered as compliant with article 6-1 of the EASA Rulemaking Procedure and article 52-1-c) of the basic regulation ("the procedures ensure ensure that the Agency publishes documents and consults widely with interested parties...").

3. How the fact to have no French version of EASA rules could be considered as compliant with the article 22 of the Charter of fundamental rights of the European Union (2010/C 83/02) which stipulates that the European Union respects the linguistic diversity?

4. How the fact to have no French version of EASA rules could be considered as compliant with the interdiction of discrimination due to the nationality as stipulated in article 18 of the Treaty on the functioning of European Union?

5. How the fact to have no French version of EASA rules could be considered as compliant with article 342 of the Treaty on the functioning of European Union (former article 290) et of the regulation n°1 (modified) governing the languages of the European Union (in particular articles 1, 2 et 4)? These articles give the list of the official languages and the work languages of the EU institutions, including French among others. They also indicate that the r delivered by the EU institutions to a member State or at a citizen of this Member State shall be in the official language of this State and that the general texts are written in official languages.

6. If the answers to the here above questions would not be satisfactory vis-à-vis the applicable rules, how EASA plans to correct the NPA process used and to proceed for the publication of its set of rules ?

response *Noted*

comment 3543 comment by: *Tarbes-Lourdes-Pyrénées airport*

Attachment [#52](#)

NPA 2011-20 (B.I-II) Com gal 8

Respect du règlement de base

Traduction de courtoisie

The principle of the basic regulation to be proportionate to the size, the traffic, the category and the complexity of the aerodrome is not really reflected in the regulation.

response *Noted*

comment 3544 comment by: *Tarbes-Lourdes-Pyrénées airport*

Attachment [#53](#)

NPA 2011-20 (B.I) Com gal 9

Changement d'exploitant

Traduction de courtoisie

UAF considers that the case of aerodrome operator is not correctly and sufficiently dealt with.

The EASA seems to have an idealistic view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality.

UAF suggests inspiring from the existing rule in France with the possibility to introduce time limited certificates. Thus, the change of aerodrome operator would be resolved by the grant of a temporary certificate which enables, on one hand, the operator to manage the airport and on the other hand, the competent authority to ensure that the regulation is properly implemented on the airport by the operator.

response *Noted*

comment	<p>3545 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i></p> <p>Attachment #54</p> <p>NPA 2011-20 (B.I et III) Com gal 11</p> <p>Références aux Guidance Materials dans les articles de l'Implementing Rules ou les Spécifications de certification</p> <p>Traduction de courtoisie</p> <p>For the consistency of the regulation, references to Guidance Materials (GM) must not be included in Certification Specifications (CS) or Implementing Rules (IR) and have to be developed in specific notes. Otherwise, it implies that GM has the same value as CS or IR. It shall not be the case.</p>
response	<p><i>Noted</i></p>
comment	<p>3559 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #55</p> <p>ADBM - NPA 2011-20 (B.I-III) Com gal 3</p> <p>Nombre de spécifications de certification (CS) et de moyens acceptables de conformité (AMC)</p> <p>Traduction de courtoisie</p> <p>Many efforts have been undertaken in the European Union to reduce the administrative burden. But the text of the NPA contains a great volume of very specific rules. These provisions will considerably increase administrative burdens and costs.</p> <p>Consequently, we strongly suggest on one hand to have Implementing rules (IR) less precise and to rather describe a general framework and on the on the hand to transfer many AMC and CS into guidance material (GM). Many texts should be considered as examples to follow instead of being solutions indifferently imposed to anybody, it is even more valid knowing that many of them have no direct effects on safety.</p>
response	<p><i>Noted</i></p>
comment	<p>3560 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #56</p> <p>ADBM - NPA 2011-20 (B.I-III) Com gal 4</p> <p>Modification de l'annexe 14 de l'OAC</p> <p>Traduction de courtoisie</p> <p>ADBM appreciates the spirit of cooperation shown by EASA during the NPA process. EASA has tried to find solutions for flexibility. However, this effort is still not sufficient because the results lead to a loss of flexibility in</p>

comparison with the ICAO system. It is notably due to the fact that EASA takes up indistinctly ICAO standards and ICAO recommendations. ADBM strongly wish that EASA deals with ICAO recommendations and ICAO standards with different manners to keep the flexibility of ICAO system.

So ADBM proposes that EASA takes as principle to consider ICAO recommendations as good practices only and transpose them into GM. ADBM admits that, after use of this principle, some ICAO recommendations (few) could be CS or AMC, for example the recommendation related to the runway width.

Moreover NPA reflects very partially and incompletely, the annex 14 modifications proposed by ICAO in its State letter n°41. These modifications have already been validated by the ICAO Air Navigation Commission and many ICAO experts. It is planned that these modifications would be applicable before the entry into force of EASA regulation.

ADBM urges EASA to take up the contents of ICAO State Letter 41, also to anticipate the future ICAO annex 14, which will be more based on objectives or performances to reach than prescriptive rules. Such anticipation will prevent Europe from facing an obsolete regulation from its publication.

ADBM reminds that Annex 14 has been thought out in the middle of the last century for airport design when there was still space around. Nowadays, the paradigm has changed because rules should be thought for aerodrome certification in an optimisation of space and resources. Existing annex 14 SARPS reflect very incompletely this new paradigm.

N.B.: in several comments about CS and AMC, ADBM indicates that it is appropriate to transfer the CS or AMC into GM. Such transfer needs to rewrite the text so that the term "should" does not appear anymore. Indeed, this term should be used only for CS and AMC in the present regulation.

response *Noted*

comment 3561 comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#57](#)

ADBM - NPA 2011-20 (B.I-III) Com gal 5

Forme

Traduction de courtoisie

The structure of the rules and cross references makes the document complex to read and understand.

response *Accepted*

comment 3562 comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#58](#)

ADBM - NPA 2011-20 (B.I-III) Com gal 7

Langue

Traduction de courtoisie

ADBM draw the attention of EASA on the fact that its futures rules shall be understood by all the actors, who have to use them. Consequently, these rules shall be written in the national language of the State and not only in English.

§2.2.2 of the « Regulatory Impact Assessment » (page 15/130) giving the number of French airports entering the scope of the future EASA rules indicate that many of them are French: "Looking at the result for individual Member States, France has two peculiarities in this European picture : it has the largest number of aerodromes (159) and it is also the country with the highest number of aerodromes below the BR threshold (72 i.e. in relative share 45%...[...]" French airports are so particularly interested to know, understand and appreciate the impact of the EASA rules of this NPA.

The consultation, only in English, does not allow to French airports operators, having no sufficient translation means, to know, understand and correctly appreciate the impact of the rules proposed in this NPA. Consequently, French aerodrome operators are not able to use all their rights, which are recognized by article 6.1 of the "rulemaking procedure", applicable for the redaction and the publication of NPA: "Any person or organisation with an interest in the rule under development shall be entitled to comment on the basis of the published NPA, without discrimination on the basis of nationality".

Article 32-2 of the basic regulation (CE N°216/2008) indicates that all the translation works required for the EASA functioning are performed by the translation center of the EU.

It is also in line with ADR.OR.E.005 (i) related to the aerodrome manual. Indeed, it is indicated that the aerodrome manual shall reflect the basis certification and shall be in a language acceptable by the competent authority and understandable by everyone, who has to use it. So, IR-OPS, AMC and CS, elements of the certification basis shall be written in the official language recognized by the Member State.

Besides, this requirement of the use of the official language appears in most of national constitutions.

In consequence, the EASA regulation shall be written in French to be correctly applied on French aerodromes.

It is why, ADBM ask EASA to answer to the following questions.

1. How the fact to have no French version of EASA rules could be considered as compliant with article 58-2 of the basic regulation on transparency and communication ? This article indicates that the agency ensure the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its.

2. How the fact to have no French version of EASA rules could be considered as compliant with the « Rulemaking Procedure » applicable for the redaction and publication of the NPA (§2 Explanatory Note page 5/22) ? This « Rulemaking Procedure » is the subject of the EASA Management Board Decision 08-2007 -Decision amending and replacing the Rulemaking Procedure - MB Meeting 03-2007- in application of article 52 of the basic regulation. In particularly, How the fact to have no French version of EASA rules could be considered as compliant with article 6-1 of the EASA Rulemaking Procedure and article 52-1-c) of the basic regulation ("the procedures ensure ensure that the Agency publishes documents and consults widely with interested parties...").

3. How the fact to have no French version of EASA rules could be

considered as compliant with the article 22 of the Charter of fundamental rights of the European Union (2010/C 83/02) which stipulates that the European Union respects the linguistic diversity?

4. How the fact to have no French version of EASA rules could be considered as compliant with the interdiction of discrimination due to the nationality as stipulated in article 18 of the Treaty on the functioning of European Union?

5. How the fact to have no French version of EASA rules could be considered as compliant with article 342 of the Treaty on the functioning of European Union (former article 290) et of the regulation n°1 (modified) governing the languages of the European Union (in particular articles 1, 2 et 4)? These articles give the list of the official languages and the work languages of the EU institutions, including French among others. They also indicate that the r delivered by the EU institutions to a member State or at a citizen of this Member State shall be in the official language of this State and that the general texts are written in official languages.

6.If the answers to the here above questions would not be satisfactory vis-à-vis the applicable rules, how EASA plans to correct the NPA process used and to proceed for the publication of its set of rules ?

response *Noted*

comment

3563

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#59](#)

ADBM - NPA 2011-20 (B.I-II) Com gal 8

Respect du règlement de base

Traduction de courtoisie

The principle of the basic regulation to be proportionate to the size, the traffic, the category and the complexity of the aerodrome is not really reflected in the regulation.

response *Noted*

comment

3564

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#60](#)

ADBM - NPA 2011-20 (B.I) Com gal 9

Changement

d'exploitant

Traduction de courtoisie

ADBM considers that the case of aerodrome operator is not correctly and sufficiently dealt with.

The EASA seems to have an idealistic view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality.

ADBM suggests inspiring from the existing rule in France with the possibility to introduce time limited certificates. Thus, the change of aerodrome operator would be resolved by the grant of a temporary certificate which enables, on one hand, the operator to manage the airport

	and on the other hand, the competent authority to ensure that the regulation is properly implemented on the airport by the operator.
response	<i>Noted</i>
comment	<p>3565 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #61</p> <p>ADBM - NPA 2011-20 (B.I et III) Com gal 11</p> <p>Références aux Guidance Materials dans les articles de l'Implementing Rules ou les Spécifications de certification Traduction de courtoisie For the consistency of the regulation, references to Guidance Materials (GM) must not be included in Certification Specifications (CS) or Implementing Rules (IR) and have to be developed in specific notes. Otherwise, it implies that GM has the same value as CS or IR. It shall not be the case.</p>
response	<i>Noted</i>
comment	<p>3579 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #62</p> <p>UAF NPA 2011-20 (B.I-III) Com gal 2</p> <p>Responsabilité de l'exploitant</p> <p>Traduction de courtoisie The EASA regulation increases significantly the responsibility of the aerodrome operator compared to the existing situation in France. More and more missions have been put under the responsibility of aerodrome operator. The rulemaking rationale should lead to counter balance this increase of responsibilities by conferring the necessary powers to the aerodrome operator in order to assume his new responsibilities. But the EASA regulation cannot confer such powers to the operator. Indeed, the repartition of responsibilities in member States is, in some cases, conducted under constitutional rules, for example when they are affected to public authorities, is largely out of the scope of the EASA. Moreover, some provisions relating to the missions of the aerodrome operator do not take into account the principles of subsidiarity and proportionality. The safety of air transport must be assured without altering the repartition of the missions in member States. Each member States must have the possibility to designate authorities or entities in charge of the missions mentioned in the regulation notably concerning the obligation outside of the airport perimeter. In others cases, the maintaining of competencies of public authorities is fixed by EU requirements. It is for example the case with the Directive (modified) n° 96/67/ CE dated 15 October 1996 related to the ground handling. Article 14 of this directive indicates that if the activity of a ground handler might be dependent on safety conditions of aircraft, equipment and persons, such conditions shall be defined and implemented</p>

by a public authority independent of the aerodrome operator through an agreement process. Consequently, the aerodrome operator has no power to forbid the access of a ground handler at the airport or to suspend this access for reasons related to safety. The draft of the future regulation to replace this directive does not modify this aspect (article 16 of the draft dated 16/03/2012).

Consequently, UAF suggests to insert a new article between article 2 and article 3 of the cover regulation :

Article 2 bis: "competent authorities"

Points 1 and 2 of article 3 of the cover regulation (« 1. Member States shall designate [...] No 216/2008. ») must be integrated in this new article 2 bis because they are the first rules about competent authority apart from the scope of monitoring, stricto sensu. These paragraphs are completed with the addition of the following paragraph: "When the responsibilities mentioned in the annexes of this regulation are assumed by an entity which is independent from the aerodrome operator, the competent authority shall ensure that all the essential requirements are covered and shall describe the allocation of these responsibilities in the approval terms of the certificate."

response *Noted*

comment *3580* comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#63](#)

UAF NPA 2011-20 (B.I-III) Com gal 3

Nombre de spécifications de certification (CS) et de moyens acceptables de conformité (AMC)

Traduction de courtoisie

Many efforts have been undertaken in the European Union to reduce the administrative burden. But the text of the NPA contains a great volume of very specific rules. These provisions will considerably increase administrative burdens and costs.

Consequently, we strongly suggest on one hand to have Implementing rules (IR) less precise and to rather describe a general framework and on the other hand to transfer many AMC and CS into guidance material (GM). Many texts should be considered as examples to follow instead of being solutions indifferently imposed to anybody, it is even more valid knowing that many of them have no direct effects on safety.

response *Noted*

comment *3581* comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#64](#)

UAF NPA 2011-20 (B.I-III) Com gal 4

Modification de l'annexe 14 de l'OACI

Traduction de courtoisie

UAF appreciates the spirit of cooperation shown by EASA during the NPA process. EASA has tried to find solutions for flexibility. However, this effort is still not sufficient because the results lead to a loss of flexibility in

comparison with the ICAO system. It is notably due to the fact that EASA takes up indistinctly ICAO standards and ICAO recommendations.

UAF strongly wish that EASA deals with ICAO recommendations and ICAO standards with different manners to keep the flexibility of ICAO system.

So UAF proposes that EASA takes as principle to consider ICAO recommendations as good practices only and transpose them into GM.

UAF admits that, after use of this principle, some ICAO recommendations (few) could be CS or AMC, for example the recommendation related to the runway width.

Moreover NPA reflects very partially and incompletely, the annex 14 modifications proposed by ICAO in its State letter n°41. These modifications have already been validated by the ICAO Air Navigation Commission and many ICAO experts. It is planned that these modifications would be applicable before the entry into force of EASA regulation.

UAF urges EASA to take up the contents of ICAO State Letter 41, also to anticipate the future ICAO annex 14, which will be more based on objectives or performances to reach than prescriptive rules. Such anticipation will prevent Europe from facing an obsolete regulation from its publication.

UAF reminds that Annex 14 has been thought out in the middle of the last century for airport design when there was still space around. Nowadays, the paradigm has changed because rules should be thought for aerodrome certification in an optimisation of space and resources. Existing annex 14 SARPS reflect very incompletely this new paradigm.

N.B.: in several comments about CS and AMC, UAF indicates that it is appropriate to transfer the CS or AMC into GM. Such transfer needs to rewrite the text so that the term "should" does not appear anymore. Indeed, this term should be used only for CS and AMC in the present regulation.

response *Noted*

comment 3582 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#65](#)

UAF NPA 2011-20 (B.I-III) Com gal 5

Forme

Traduction de courtoisie

The structure of the rules and cross references makes the document complex to read and understand.

response *Accepted*

comment 3583 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#66](#)

UAF NPA 2011-20 (B.I-III) Com gal 7

Langue

Traduction de courtoisie

UAF draw the attention of EASA on the fact that its futures rules shall be understood by all the actors, who have to use them. Consequently, these rules shall be written in the national language of the State and not only in English.

2.2.2 of the « Regulatory Impact Assessment » (page 15/130) giving the number of French airports entering the scope of the future EASA rules indicate that many of them are French: "Looking at the result for individual Member States, France has two peculiarities in this European picture : it has the largest number of aerodromes (159) and it is also the country with the highest number of aerodromes below the BR threshold (72 i.e. in relative share 45%...[...]" French airports are so particularly interested to know, understand and appreciate the impact of the EASA rules of this NPA.

The consultation, only in English, does not allow to French airports operators, having no sufficient translation means, to know, understand and correctly appreciate the impact of the rules proposed in this NPA. Consequently, French aerodrome operators are not able to use all their rights, which are recognized by article 6.1 of the "rulemaking procedure", applicable for the redaction and the publication of NPA: "Any person or organisation with an interest in the rule under development shall be entitled to comment on the basis of the published NPA, without discrimination on the basis of nationality".

Article 32-2 of the basic regulation (CE N°216/2008) indicates that all the translation works required for the EASA functioning are performed by the translation center of the EU.

It is also in line with ADR.OR.E.005 (i) related to the aerodrome manual. Indeed, it is indicated that the aerodrome manual shall reflect the basis certification and shall be in a language acceptable by the competent authority and understandable by everyone, who has to use it. So, IR-OPS, AMC and CS, elements of the certification basis shall be written in the official language recognized by the Member State.

Besides, this requirement of the use of the official language appears in most of national constitutions.

In consequence, the EASA regulation shall be written in French to be correctly applied on French aerodromes.

It is why, UAF ask EASA to answer to the following questions.

1. How the fact to have no French version of EASA rules could be considered as compliant with article 58-2 of the basic regulation on transparency and communication ? This article indicates that the agency ensure the public and any interested party are rapidly given objective, reliable and easily understandable information with regard to its.

2. How the fact to have no French version of EASA rules could be considered as compliant with the « Rulemaking Procedure » applicable for the redaction and publication of the NPA (§2 Explanatory Note page 5/22) ? This « Rulemaking Procedure » is the subject of the EASA Management Board Decision 08-2007 -Decision amending and replacing the Rulemaking Procedure - MB Meeting 03-2007- in application of article 52 of the basic regulation. In particularly, How the fact to have no French version of EASA rules could be considered as compliant with article 6-1 of the EASA Rulemaking Procedure and article 52-1-c) of the basic regulation ("the procedures ensure ensure that the Agency publishes documents and consults widely with interested parties...").

3. How the fact to have no French version of EASA rules could be considered as compliant with the article 22 of the Charter of fundamental rights of the European Union (2010/C 83/02) which stipulates that the

European Union respects the linguistic diversity?
 4. How the fact to have no French version of EASA rules could be considered as compliant with the interdiction of discrimination due to the nationality as stipulated in article 18 of the Treaty on the functioning of European Union?
 5. How the fact to have no French version of EASA rules could be considered as compliant with article 342 of the Treaty on the functioning of European Union (former article 290) et of the regulation n°1 (modified) governing the languages of the European Union (in particular articles 1, 2 et 4)? These articles give the list of the official languages and the work languages of the EU institutions, including French among others. They also indicate that the r delivered by the EU institutions to a member State or at a citizen of this Member State shall be in the official language of this State and that the general texts are written in official languages.
 6.If the answers to the here above questions would not be satisfactory vis-à-vis the applicable rules, how EASA plans to correct the NPA process used and to proceed for the publication of its set of rules ?

response *Noted*

comment **3584** comment by: *Aéroport Nantes Atlantique - NTE/LFRS*
 Attachment [#67](#)
 UAF NPA 2011-20 (B.I-II) Com gal 8
 Respect du règlement de base
 Traduction de courtoisie
 The principle of the basic regulation to be proportionate to the size, the traffic, the category and the complexity of the aerodrome is not really reflected in the regulation.

response *Noted*

comment **3585** comment by: *Aéroport Nantes Atlantique - NTE/LFRS*
 Attachment [#68](#)
 UAF NPA 2011-20 (B.I) Com gal 9
 Changement d'exploitant
 Traduction de courtoisie
 UAF considers that the case of aerodrome operator is not correctly and sufficiently dealt with.
 The EASA seems to have an idealistic view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality.
 UAF suggests inspiring from the existing rule in France with the possibility to introduce time limited certificates. Thus, the change of aerodrome operator would be resolved by the grant of a temporary certificate which enables, on one hand, the operator to manage the airport and on the other hand, the competent authority to ensure that the regulation is properly implemented on the airport by the operator.

response *Noted*

comment	<p>3586 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #69</p> <p>UAF NPA 2011-20 (B.I et III) Com gal 11</p> <p>Références aux Guidance Materials dans les articles de l'Implementing Rules ou les Spécifications de certification</p> <p>Traduction de courtoisie For the consistency of the regulation, references to Guidance Materials (GM) must not be included in Certification Specifications (CS) or Implementing Rules (IR) and have to be developed in specific notes. Otherwise, it implies that GM has the same value as CS or IR. It shall not be the case.</p>
response	<i>Noted</i>

TITLE PAGE

p. 1

comment	<p>1 comment by: <i>Croatian Civil Aviation Agency</i></p> <p>Using of term „Operations“ in the: NPA 2011-20 (A); NPA 2011-20 (B.I); NPA 2011-20 (B.II); and NPA 2011-20 (C). Under the term “Operations” we usually understand flight operations or air operations. Suggestion: consider use of the term “Operational” instead “Operations”.</p>
response	<p><i>Noted</i></p> <p>The term OPS is used together with the term ADR in order to distinguish from flight operations. The Agency sees no need to change the name of the rules.</p>
comment	<p>1693 comment by: <i>Finnish Transport Safety Agency</i></p> <p>Check the use of the terms process/procedure to ensure the right term is used in each paragraph, not to put extra burden on the authority if not intended.</p>
response	<i>Noted</i>

Draft Commission Regulation

p. 2-5

comment	<p>88 comment by: <i>Flughafen Düsseldorf GmbH</i></p> <p>(4) These capabilities and means shall be recognised through the issuance of a single <u>or separate [g1]</u> certificate if the Member State where the aerodrome is located so decides.</p> <hr/> <p><u>[g1]</u>Es sollte nur ein Zertifikat sein, anderenfalls wird der bürokratische</p>
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response	<p>Aufwand vervielfacht.</p> <p><i>Not accepted</i></p> <p>The EASA basic regulation foresees the possibility of a separate operator certificate. This is higher law and the Agency therefore had to provide for this facility.</p>
comment	<p>89 comment by: <i>Flughafen Düsseldorf GmbH</i></p> <p>(6) In order to ensure a smooth transition and a high level of civil aviation safety in the European Union, the Implementing Rules should reflect the state of the art and the best practices in the field of aerodromes; take into account the applicable International Civil Aviation Organisation (hereinafter referred to as 'ICAO') Standards and Recommended Practices; and <u>worldwide aerodrome operation experience</u>^[g1], and scientific and technical progress in the field of aerodromes;</p>
response	<p>^[g1]Zu unbestimmt</p> <p><i>Noted</i></p> <p>This is only recital. It however only repeats what are the requirements under Basic Regulation, Article 8a 6(a), which asks EASA implementing rules to draw on best practice around the world.</p>
comment	<p>145 comment by: <i>Icelandic Civil Aviation Administration</i></p> <p>Page 5, paragraph (12) - We do not agree that Apron Management receives this priority treatment. This is one out of many important operations on an aerodrome.</p>
response	<p><i>Noted</i></p> <p>This recital announces the postponement of rules for apron management services. So this is not a prioritisation.</p>
comment	<p>520 comment by: <i>Estonian CAA</i></p> <p>Paragraph (12) on page 5 in the Cover Regulation: We do not agree that Apron Management receives this priority treatment. This is one out of many important operations on an aerodrome.</p>
response	<p><i>Noted</i></p> <p>This recital announces the postponement of rules for apron management services. So this is not a prioritisation.</p>
comment	<p>937 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Recital 3</p> <p>Reference is made to Annex Vb (as applicable) as well as Annex Va yet the applicability is not established within the Rules. We suggest elaboration under which circumstances Annex Vb applies.</p>
response	<p><i>Noted</i></p>

Annex Vb would apply to any organisation that were to provide services that are regulated under Annex Vb. So an airport that undertakes airport activities is an ATC provider would have to comply with Annex Va and Annex Vb.

comment 1033 comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- A. Explanatory Note - II. Process and scope (p5,6): note 2
- Draft Commission Regulation (p2-5): §12
- ANNEX I - Part-AR - ADR.AR.C.005 — Oversight (p23)
- ANNEX I - Part-AR - ADR.AR.C.050 — Declarations of providers of apron management services (p27-28)
- ANNEX I - Part AR - APPENDIX I (p32-33)
- ANNEX I - Part AR - APPENDIX II (p34-36)
- ANNEX II - Part-OR - ADR.OR.B.060 — Declaration of providers of apron management services (p43-44)
- ANNEX II - Part-OR - APPENDIX II (p61-62)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem (p3)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.C.005 — Oversight (p18)
- AMC/GM to ANNEX II — Part-OR — AMC2-ADR.OR.E.005 — Aerodrome manual (p109-114) – part E – 16

2. General comment

This comment is **critical**.

As it is said in the explanatory note (*II. Process and scope, note 2, pages 5-6*), the Agency did not undertake the development of safety rules for apron management services but later on will initiate a joint group with ATM. However, some procedural rules related to those services are included in the proposed rules.

DGAC considers it is essential to provide the flexibility needed to conduct further debates that will take place in the given joint group.

In particular, the connection between the aerodrome operator and providers of apron management service can not be established without further debates. Indeed, providers of apron management services, when existing, can be independent from the aerodrome operator, with arrangements between these two entities. For example in CDG airport, providers of apron management services are not subcontractors of the CDG operator. Moreover, there is a risk of inconsistency with what will be proposed by the joint group that will propose draft regulation on that point.

Therefore, the procedural rules included in the proposed implementing rules and corresponding AMC/GM shall remain at a high level stage only.

The provisions of the NPA that would consequently need to be revised are dealt with case by case in the proposed texts/comments below:

3. Justification and proposed texts / comments

• This comment is linked with comment 23 in Explanatory Note and 793 in book II.

ADR.AR.C.005 — Oversight: Paragraph (a)(2)

DGAC understands the certification basis is not applicable to providers of apron management services, but it's not clear in paragraph (a)(2) of ADR.AR.C.005.

Providers of apron management services declare their compliance to applicable requirements only, thus the proposed change:

"(a) [...]"

(2) *continued compliance, with the certification basis and/or applicable requirements [...]"*

· ADR.AR.C.050 — Declarations of providers of apron management services

Considering what is said in the general comment just above and the fact that providers of apron management services are not subcontractors of the aerodrome operator, it would be inappropriate, when the competent authority has to notify something to the apron management services, to systematically notify it also to the aerodrome operator. Moreover, this could induce more delays to solve the problem as it could be understood that the corrective action is to be done by other entities.

Finally, as this is not a requirement, the wording "if required" should be replaced by "when deemed necessary".

Thus DGAC proposes to modify paragraph (b) of ADR.AR.C.050 as follows: *"If the declaration does not contain the required information, or contains information that indicates non-compliance with applicable requirements, the competent authority shall notify the provider of apron management services about the non-compliance and request further information. and If deemed necessary, the competent authority can address a copy of this notification to the aerodrome operator about the non-compliance and request further information. If required deemed necessary, the competent authority shall carry out an inspection of the provider of apron management services and the aerodrome operator. If the non-compliance is confirmed, the competent authority shall take action as defined in ADR.AR.C.055 towards the apron management service"*

· Part AR - APPENDIX I and APPENDIX II

The name of the provider of apron management service should not be part of the certificate of the aerodrome operator because they can be independent.

APPENDIX I

"[...]"

TERMS OF APPROVAL	
Provision of apron management services:	Specify name of service provider

"[...]"

APPENDIX II

"[...]"

~~Apron management services are provided by [specify name of service provider].~~

"[...]"

· ADR.OR.B.060 — Declaration of providers of apron management services

Paragraph (a): DGAC doesn't understand the pertinence of having an agreement with an aerodrome operator.

~~"(a) The provider of apron management services, following an agreement with an aerodrome operator for the provision of such services at an aerodrome, shall:"~~

Paragraph (a)(5): DGAC finds this provision goes too far. Moreover, nobody will verify that the provider of apron management service complies with the aerodrome manual; in particular it's absolutely not the aerodrome operator's task.

~~"(5) provide its services in accordance with the aerodrome manual and comply with all relevant provisions contained therein"~~

Paragraph (b): DGAC doesn't understand the pertinence of notifying the aerodrome operator when ceasing activity.

~~"(b) Before ceasing the provision of such services, the provider of apron management services shall notify the competent authority and the aerodrome operator."~~

· Part-OR - APPENDIX II

In order to be clearer, DGAC proposes to clarify that these declarations of the providers of apron management services are declarations "of compliance" (see the proposed titles below).

Moreover, it is essential to delete "The service is provided in accordance with the content of the relevant aerodrome manual" as this is absolutely not high level and as it may induce a risk of inconstancy with the future rules on apron management services.

"Appendix II to Annex II

Declaration of compliance

In accordance with Commission Regulation (EC) No XXX/2013 laying down requirements and procedures related to aerodromes pursuant to Regulation (EC) No 216/ 2008 of the European Parliament and of the Council

[...]

~~ð The service is provided in accordance with the content of the relevant aerodrome manual.~~

[...]

ð (If applicable) The operator has implemented and demonstrated conformance to an officially recognised industry standard.

Reference of the standard: Certification body:

Date of the last conformance audit:

[...]

· AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem
AMC1-ADR.AR.A.030(d) is to be deleted:

~~**"AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem**~~
~~**NOTIFICATION OF MEASURES**~~

~~*In case that the competent authority directs a measure to a provider apron management services, then these measures should also be notified to the aerodrome operator."*~~

· AMC1-ADR.AR.C.005 — Oversight

High level provisions in this NPA state that apron management services shall provide a declaration to the competent authority when appropriate. But the oversight of the "continued competence" goes beyond this

statement and therefore merits further debates.

Moreover, the word "qualified" should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions.

Thus the following proposed changes to this AMC:

AMC1-ADR.AR.C.005 – Oversight

"GENERAL

(a) *The competent authority should assess the aerodrome operator and monitor its continued competence to conduct safe operations in compliance with the applicable requirements and the certification basis. Similarly, the competent authority should monitor the continued competence of providers of apron management services. The competent authority should ensure that accountability for assessing and monitoring aerodrome operators as well as providers apron management services is clearly defined. This accountability may be delegated or shared, in whole or in part.*

(b) *It is essential that the competent authority shall have the full capability to adequately assess the continued competence of an aerodrome operator or a provider of apron management services by ensuring that the whole range of activities is assessed by appropriately qualified trained personnel."*

· **AMC2-ADR.OR.E.005 – Aerodrome manual**

AMC2-ADR.OR.E.005 includes in the aerodrome manual the procedures for apron management. This is not high level provision and strongly needs further debates, because the relevancy of having apron management procedures in the aerodrome manual is not proven.

For instance, it is possible to imagine a system where the providers of apron management service have their own procedures and the aerodrome operator has nothing to do with them. Chapter 16 of part E of the structure of the aerodrome manual is to be deleted.

Note: DGAC also proposes to put the content of this AMC to GM because of the high level of details that doesn't fit to all organization. See comment xx.

"AMC2GM1-ADR.OR.E.00510 – Structure of aerodrome manual

[...]

16. Procedures for apron management including:

16.1 transfer of the aircraft between air traffic control and the apron management unit;

16.2 allocation of aircraft parking positions;

16.3 engine start and aircraft push-back;

16.4 marshalling and follow-me service.

[...]"

response

Noted

Comments on the work on the declaration of apron management services, which is an option that the member state can make use of but does not have to make use of, are addressed in the relevant sections, e.g. ADR.AR.C.050.

comment

1078

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- A. Explanatory Note - EXECUTIVE SUMMARY (p2)
- A. Explanatory Note - II. Process and scope (p5,6): note 1
- A. Explanatory Note - III. Overview of the rules proposed in this NPA - Certification process including the establishment of the certification basis (CB) (p9): (23) (24)
- Draft Commission Regulation (p2-5): §11
- ANNEX II - Part-OR - ADR.OR.D.035 — Record keeping (p55)
- AMC/GM to ANNEX I — Part-AR — GM1-ADR.AR.C.055 — Findings, corrective actions and enforcement measures (p34)
- AMC/GM to ANNEX II — Part-OR — AMC1-ADR.OR.E.005 — Aerodrome manual (p109)
- AMC/GM to ANNEX II — Part-OR — AMC2-ADR.OR.E.005 — Aerodrome manual (p109-114)

2. Justification and proposed text / comment

This comment is linked with comment 24 in Explanatory Note and 824 in book II.

As indicated in the explanatory note (pages 2, 5, 6 and 9), requirements for the certification of aerodrome equipment, as well as for the oversight of designers and producers of safety-critical aerodrome equipment will follow at a later stage jointly with the work to be done for specific ATM systems and constituents. This work will probably help knowing which equipment is ATM and which is aerodrome, knowing that most of it is ATM equipment.

Therefore, the aerodrome equipment should not be part of the aerodrome manual since lots of it is air traffic management equipment. Moreover, the pertinence of having a manual for aerodrome equipment in charge of the aerodrome operator is not proved and merits further debates.

Consequently:

- the first bullet of **GM1-ADR.AR.C.055 is to be deleted**
- Paragraph 4.3 of Part C of the content of the aerodrome manual of the proposed GM1-ADR.OR.E.010 — *Structure of the aerodrome manual* is to be deleted, all the more that outside the boundaries of the aerodrome, the aerodrome operator is no more competent;
- Paragraph 13 of Part E of the content of the aerodrome manual of the proposed GM1-ADR.OR.E.010 — *Structure of the aerodrome manual* is to be deleted

“ADR.OR.D.035 – Record-keeping

[...]

(d) [...]

(3) ~~manuals of aerodrome equipment or systems employed at the aerodrome, for as long as they are used at the aerodrome~~

[...]”

GM1-ADR.AR.C.055 — Findings, corrective actions and enforcement measures

“CATEGORIES OF FINDINGS — DOCUMENTARY EVIDENCE

Examples of documentary evidence include but is not limited to:

~~aerodrome or equipment manuals;~~

[...]”

AMC2-GM1-ADR.OR.E.00510 — Structure of the aAerodrome

	<p>manual</p> <p>"[...]</p> <p><i>C. PART C — PARTICULARS OF THE AERODROME SITE</i></p> <p>[...]</p> <p><i>4.3 a plan showing the location of any aerodrome facilities and equipment outside the boundaries of the aerodrome;</i></p> <p>[...]</p> <p><i>E. PART D E — PARTICULARS OF THE AERODROME — OPERATING PROCEDURES AND SAFETY MEASURES — OPERATING PROCEDURES OF THE AERODROME, ITS EQUIPMENT AND SAFETY MEASURES</i></p> <p>[...]</p> <p><i>13. Maintenance and repair instructions, servicing information, troubleshooting and inspection procedures of aerodrome equipment</i></p> <p>[...]"</p>
response	<p><i>Not accepted</i></p> <p>The Agency believes that the manual of aerodrome equipment is part of the physical characteristics of the aerodrome and should be therefore kept as part of the evidence supporting the compliance of the aerodrome with the CS. They underlie the CB. No equipment can be properly operated and maintained without its handbook.</p>
comment	<p>1638 comment by: <i>ECA - European Cockpit Association</i></p> <p>Add new paragraph after (7) as follows: In order to reach the highest level of uniformity and safety the involvement of all relevant stakeholders is necessary. This includes but is not limited to professional pilots operating in Europe and worldwide with experience regarding the state of the art and the best practices in the field of aerodromes. Therefore local pilots' associations shall be involved whenever an alternative or additional mean of compliance is put in place or the technical Standards of a CS cannot be met. This includes the establishment of an ELOS, CS and DAAD.</p> <p>Justification: EASA states that the purpose of CS and IR is to ensure consistent interpretation and application of safety requirements throughout all NAAs of the Member States. This can only be reached if the main participant in airport operations worldwide, namely professional pilots, are involved in the deviation process. Local pilots' associations provide the best background for the assessment of a deviation as they are composed of internationally active pilots and highly qualified technical policy advisors.</p>
response	<p><i>Noted</i></p> <p>Pilots are to be represented via their airlines that they work for in the local runway safety committees and other forums that make up the SMS at an aerodrome. The comment is more extensively answered to in each section where it appears. Pilots are not the extended arm of the Competent Authorities. This work is left to assigned, authorised and trained auditors.</p>
comment	<p>1691 comment by: <i>Swedish Transport Agency</i></p> <p>Apron Management should not be regulated separately from aerodromes,</p>

response	<p>its a part of aerodromes.</p> <p><i>Noted</i></p> <p>This recital announces the postponement of rules for apron management services. So this is not a prioritisation.</p>
comment	<p>1739 comment by: UK CAA</p> <p>Page No: 4</p> <p>Paragraph No: Recital 6</p> <p>Comment: The UK strongly supports the inclusion of the Recommended Practices (RP) in the Certification Specifications (CS).</p> <p>Justification: Recital 6 states that “In order to ensure a smooth transition and a high level of civil aviation safety in the European Union, the Implementing Rules should reflect the state of the art and the best practices in the field of aerodromes; take into account the applicable International Civil Aviation Organisation (hereinafter referred to as ‘ICAO’) Standards and Recommended Practices; and cater for the cases of aerodrome infrastructure which has been developed, prior to the coming into force of this Regulation”</p> <p>This clearly states that Recommended Practices should be included in the CSs as it links the recital to aerodrome infrastructure. This reflects the fact that the structure of Annex 14 is such that the vast majority of the specifications for the aerodrome infrastructure (e.g. slopes, lengths, widths, strength for runways) are contained in the Recommended Practices – in very few cases is there a minimum standard dimension with a maximum or aspirational Recommended Practice.</p> <p>Firstly, it is crucial to the maintenance of a safety objective in place in many Member States (MS) to include the RPs in the CSs. Secondly, to ensure standardisation is effective throughout the EU, the new rules must reflect the best practices employed by most Member States and the inclusion of RPs is essential to achieve this target.</p> <p>There is a concern within industry that the RPs will be binding on them. The Regulatory Impact Assessment describes the application of the CSs and demonstrates the minor negative impact the new rules will have on industry and regulators. EASA could usefully explain further the non-binding prescription of the CSs and the flexible measures available to both MSs and industry during the construction of the Certification Basis.</p> <p>The UK CAA is aware that the rationale for EASA choosing to adopt Recommended Practices into the CS was explained to the rulemaking groups and suggests that the relevant documents could be given wider circulation to aid understanding of the proposals.</p>
response	<p><i>Noted</i></p>
comment	<p>1873 comment by: Ministry of Infrastructure and Agriculture of Brandenburg</p>

	General comment to the NPA 2011 -20	
	<p>The generell impression of the proposed regulation is, that EASA tries to install rules which will put heavys burdens on the administrations of the member states without any true added value.</p> <p>Instead of creating spezial european conditions the ICAO system should be fully reflected in NPA. Two different systems co-existing will only lead to confusion and inefficiency.</p> <p>There is further no neede to set up rules for each, even small aspect of aerodrome regulation. Especially the part how authorities should supervise and controll areodromes is interfering with the organizational sovereignty of the member states. There has to bet he flexibility to dicide on a national level how to fulfill the objectives of the BR.</p>	
response	<i>Noted</i>	
comment	2237	comment by: <i>Finnish Transport Safety Agency</i>
	<p>Paragraph (12) on page 5 in the Cover Regulation: We do not agree that Apron Management receives this priority treatment. This is one out of many important operations on an aerodrome.</p>	
response	<i>Noted</i>	
	<p>This recital announces the postponement of rules for apron management services. So this is not a prioritisation.</p>	
comment	3014	comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i>
response	<i>Noted</i>	
comment	3439	comment by: <i>Fraport AG</i>
	<p>Question (1) Regulation (EC) No 216/2008 aims at establishing and maintaining a high uniform level of civil aviation safety in Europe. That Regulation provides for the means of achieving that objective and other objectives in the field of civil aviation safety.</p> <p>Fraport AG: What kind of other objectives are mend? – Specification needed</p>	
response	<i>Noted</i>	
	<p>This is to be decided by the Member States of the EASA region.</p>	
comment	3440	comment by: <i>Fraport AG</i>
	<p>Editorial (3) Aerodromes and aerodrome equipment as well as the operation of aerodromes shall comply with the essential requirements set out in Annex Va and, if applicable, Annex Vb. According to Regulation (EC) No</p>	

216/2008, a certificate shall be required in respect of each aerodrome; compliance with the certification basis and the Implementing Rules should mean that the essential requirements set out in Annex Va and, if applicable, Annex Vb have been complied with; the certificate and certification of changes to that certificate shall be issued when the applicant has shown that the aerodrome complies with the aerodrome certification basis; organisations responsible for the operation of aerodromes shall demonstrate their capability and means to discharge the responsibilities associated with their privileges.

Proposed Change

(3) Aerodromes and aerodrome equipment as well as the operation of aerodromes shall comply with the essential requirements set out in Annex Va and, if applicable, Annex Vb. According to Regulation (EC) No 216/2008, a certificate shall be required in respect of each aerodrome, **which fall under the scope of this regulation**; compliance with the certification basis and the Implementing Rules should mean that the essential requirements set out in Annex Va and, if applicable, Annex Vb have been complied with; the certificate and certification of changes to that certificate shall be issued when the applicant has shown that the aerodrome complies with the aerodrome certification basis; organisations responsible for the operation of aerodromes shall demonstrate their capability and means to discharge the responsibilities associated with their privileges.

Fraport

AG:

Not all aerodromes are subjected to this IR. Proposal is to add this clarification within the sentence.

response

Accepted

This will be considered in the next explanatory note. However, this is also basic knowledge about the Basic Regulation.

comment

3441

comment by: *Fraport AG*

Editorial

(9) Member States may decide to exempt from the provisions of Regulation (EC) No 216/2008 an aerodrome which handles no more than 10 000 passengers per year and handles no more than 850 movements related to cargo operations per year. However, said aerodrome and the operation thereon should be expected to comply with the general safety objectives of Regulation (EC) No 216/2008 and any other rule of European Union law. Therefore, Member States may also decide to apply this Regulation to said aerodromes.

Proposed Text

(9) Member States may decide to exempt from the provisions of Regulation (EC) No 216/2008 an aerodrome which handles no more than 10 000 passengers per year and handles no more than 850 movements related to cargo operations per year. **As well civil operation of aircraft on military aerodromes may be exempted from the provisions of Regulation (EC) No 216/2008.** However, said aerodrome and the operation thereon should be expected to comply with the general safety objectives of Regulation (EC) No 216/2008 and any other rule of European Union law. Therefore, Member States may also decide to apply this

	Regulation to said aerodromes.
	Fraport Amendment on behalf of IDRF: Reference to possible civil use of military aerodromes should be given either as a subject of exception or as a case of defined special condition according to ADRAR.C.025
response	<i>Not accepted</i> Aerodromes with very small passenger and cargo traffic may be exempted for a while (until they achieve certain passenger and cargo figures) but they are still subject to the regulation. This is different from being NOT at all subject to the regulation as is the case with military aerodromes that are <u>controlled</u> by the military. Here the interpretation of the rules is largely up to the Member States.

Draft Commission Regulation - Article 1 - Subject matter

p. 5-6

comment	152 comment by: CAA-NL We suggest to delete the reference to apron management services in subpart (h).
response	<i>Not accepted</i> The Agency would appreciate if such requests would be substantiated by the commentator. In any case, we do not agree with the request as the Agency believes that the procedural rules for the declaration process are needed.
comment	256 comment by: CAA Norway Paragraph (12) on page 5 in the Cover Regulation: We do not agree that Apron Management receives this priority treatment. This is one out of many important operations on an aerodrome.
response	<i>Noted</i> Comment is misplaced. Please refer to our answer under recital 12.
comment	784 comment by: Union des Aéroports français - UAF Attachment #70 UAF NPA 2011-20 (B.I) CR Art.1, 2.(b) Référence: 2. (b) "This Regulation and its Annexes also lay down detailed rules on the conditions." Traduction de courtoisie Should be amended as follows: "this Regulation and its Annexes also lay down detailed rules on the conditions." By fulfilling the conditions of the point 2., the point 1. is fulfilled as well.

response	<p><i>Noted</i></p> <p>Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.</p>
comment	<p>826 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> Draft Commission Regulation - Article 1 - Subject matter (p5-6) <p><u>2. Justification and Proposed text / comment</u></p> <p>The three annexes to the cover regulation are not introduced in the cover regulation. DGAC proposes to introduce them in <i>article 1- Subject matter:</i></p> <p>Article 1 - Subject matter</p> <p>"1. This Regulation and its Annexes lay down detailed rules for the uniform implementation of Regulation (EC) No 216/2008 and its Implementing Rules in the area of aerodromes.</p> <p><i>Annex I (Part-ADR.AR) contains the requirements to be fulfilled by the authority. Annexes II (Part-ADR.OR) and III (Part-ADR.OPS) contains the requirements to be fulfilled by the aerodrome operator.</i></p> <p>[...]"</p>
response	<p><i>Accepted</i></p> <p>Indeed, it was found that a legal hook for each part/annex was needed. Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.</p>
comment	<p>939 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Art 1 2. (c)</p> <p>Does not read correctly as a continuation of introductory sentence ("the conditions").</p> <p>Suggest delete "the conditions" in (c).</p>
response	<p><i>Accepted</i></p> <p>The list was editorally cleaned up. Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.</p>
comment	<p>940 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>Art 1 2. (c)</p> <p>See comment against Recital (3) – where are the conditions for Annex Vb detailed?</p> <p>Suggest elaborate under which circumstances Annex Vb applies.</p>
response	<p><i>Noted</i></p>

It is important to note that the 'conditions for operating an aerodrome in compliance with the essential requirements set out in Annex Va and, if applicable, Annex Vb to Regulation (EC) No 216/2008' has the following function: aerodrome operators may also be engaged in the provision of Air Navigation Services (ANS) such as ATIS or tower operations. In such cases, the organisationis are also subject to the ERs found in Annex Vb.

comment

964

comment by: *ADP : Aeroports de Paris*

Référence: 2. (b)

"This Regulation and its Annexes also lay down detailed rules on the conditions."

Proposition/commentaire

Il convient d'apporter la modification suivante: "this Regulation and its Annexes also lay down detailed rules on the conditions."

Justification

Les paragraphes 1 et 2 sont reliés entre eux.

En effet le fait de satisfaire aux dispositions du point 2. permet de satisfaire celles du point 1.

Traduction de courtoisie

Should be amended as follows: "this Regulation and its Annexes also lay down detailed rules on the conditions."

By fulfilling the conditions of the point 2., the point 1. is fulfilled as well.

response

Noted

Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.

comment

1558

comment by: *Euroairport Bâle-Mulhouse*Attachment [#71](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.1, 2.(b)

Référence: 2. (b)
"This Regulation and its Annexes also lay down detailed rules on the conditions."

Traduction de courtoisie
Should be amended as follows: "this Regulation and its Annexes ~~also~~ lay down detailed rules on the conditions."
By fulfilling the conditions of the point 2., the point 1. is fulfilled as well.

response

Noted

Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.

comment

1740

comment by: UK CAA

Page No: 5**Paragraph No:** Article 1, paragraph 2(f)

Comment: The UK CAA assumes that EASA is intending to use the definition of commercial air transport as used in the OPS implementing rule, which includes cargo aircraft. This presents difficulties for aerodromes which are served exclusively by cargo aircraft (aircraft undertaking cargo operations without passengers) because the rescue and firefighting service (RFFS) requirements are based exclusively on the size of the aircraft and not on whether it is carrying out passenger or cargo operations. EASA should consider a relaxation of RFFS requirements for aerodromes to permit a lower category in some circumstances for aircraft undertaking cargo operations. The UK has commented on AMC4-ADR-OPS.B010 to this effect but would also seek confirmation of the principle from EASA.

Justification: Some aerodromes operate cargo aircraft only at night (usually night mail) or have limited passenger activities. As indicated in ICAO Annex 14 (Section 9.2), the principal objective of the RFFS is to save life. For a cargo aircraft without passengers the lifesaving element is reduced to the need to rescue the flight crew. Therefore, the theoretical and practical critical area can be reduced in size, to cover the cockpit and related areas only, which would facilitate a lower RFFS category but whilst maintaining sufficient rescue capability.

The UK permits a relaxation in RFFS requirements to facilitate operations by cargo aircraft. The additional burden of having to apply the full RFFS might result in those aerodromes being unable to survive financially.

response

Noted

The issue of fire protection for all cargo operations will be dealt with in the future since many States in Europe follow a different approach and the guidance from ICAO is very limited. Please refer also to GM5 – ADR.OPS.B.010.

comment

1839

comment by: Zürich Airport

We strongly suggest the Agency to make the distinction between ICAO Standards and Recommendations. All Standards from ICAO Annex 14 shall become CS and all the recommendations shall be transferred to the AMC-Acceptable Means of Compliance respectively to the GM-Guidance Material.

Otherwise the new EASA regulations will rather be misleading and will bring about to the differences and double standards on the operational level. In this way will these regulations result in unification on the national level but on the same time rather in diversification on the operational level.

response

Noted

The EU legal system does not allow for the distinction between Standards

and Recommendations, and since most of Annex 14 was trasposed into CS, this is also not necessary, due to the concept of the certification basis, which has been often explained. In the area of operations, that is the IR and AMC for airport operations and maintenance, the Agency did a great effort to find solutions for the cases where a recommendation might be more stringent than the standard. The policy of dealing with the STD and REC is a subject of the new explanatory note of the CRD.

comment 1942 comment by: *Aéroport de Marseille - MRS/LFML*

Should be amended as follows: "this Regulation and its Annexes ~~also~~ lay down detailed rules on the conditions."

By fulfilling the conditions of the point 2., the point 1. is fulfilled as well.

response *Noted*

Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.

comment 2082 comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

The annexes to the Cover Regulation have no legal hook within the Cover Regulation. This could be fixed by adding a respective reference to Art.1.

response *Accepted*

Indeed, it was found that a legal hook for each part/annex was needed. Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.

comment 2264 comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#72](#)

ADBM - NPA 2011-20 (B.I) CR Art.1, 2.(b)

Référence: 2. (b)
"This Regulation and its Annexes also lay down detailed rules on the conditions."

Traduction de courtoisie
Should be amended as follows: "this Regulation and its Annexes ~~also~~ lay down detailed rules on the conditions."
By fulfilling the conditions of the point 2., the point 1. is fulfilled as well.

response *Noted*

Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.

comment 2280 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#73](#)

	UAF	NPA	2011-20	(B.I)	CR	Art.1,	2.(b)
	<p>Référence: 2. (b) "This Regulation and its Annexes also lay down detailed rules on the conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "this Regulation and its Annexes also lay down detailed rules on the conditions." By fulfilling the conditions of the point 2., the point 1. is fulfilled as well.</p>						
response	<p><i>Noted</i></p> <p>Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.</p>						
comment	<p>2285 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>Art 1.2.b Should be amended as follows: "this Regulation and its Annexes also lay down detailed rules on the conditions." By fulfilling the conditions of the point 2., the point 1. is fulfilled as well.</p>						
response	<p><i>Noted</i></p> <p>Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.</p>						
comment	<p>2383 comment by: <i>Stansted Airport - Daren BARTHAM</i></p> <p>Paragraph No: 9</p> <p>Comment: The definition of commercial air transport used by EASA includes cargo aircraft. This presents difficulties for aerodromes which are served exclusively by cargo aircraft (aircraft undertaking cargo operations without passengers) because the rescue and firefighting service (RFFS) requirements are based exclusively on the size of the aircraft and not on whether it is carrying out passenger or cargo operations. EASA should consider a relaxation of RFFS requirements for aerodromes to permit a lower category in some circumstances for aircraft undertaking cargo operations. The UK has commented on AMC4-ADR-OPS.B010 to this effect but would also seek confirmation of the principle from EASA.</p> <p>Justification: Some aerodromes operate cargo aircraft only at night (usually night mail) or have limited passenger activities. As indicated in ICAO Annex 14 (Section 9.2), the principal objective of the RFFS is to save life. For a cargo aircraft without passengers the lifesaving element is reduced to the need to rescue the flight crew. Therefore, the theoretical and practical critical area can be reduced in size, to cover the cockpit and related areas only, which would facilitate a lower RFFS category but whilst maintaining sufficient rescue capability.</p> <p>The UK permits a relaxation in RFFS requirements to facilities operations by cargo aircraft. The additional burden of having to apply the full RFFS</p>						

response	<p>might result in those aerodromes being unable to survive financially.</p> <p><i>Noted</i></p> <p>Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.</p>
comment	<p>2429 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • Draft Commission Regulation - Article 1 – Subject matter (p5-6) • Draft Commission Regulation - Article 3 – Oversight capabilities (p10-11) • ANNEX I - Part-AR - ADR.AR.A.005 — Competent Authority (p16) • ANNEX I - Part-AR - ADR.AR.A.010 — Safety Oversight Documentation (p16) <p><u>2. Justification and proposed text / comment</u></p> <p>This comment is critical, as the drafted rules are confusing on this subject.</p> <p>AESA competency is on safety only, this point should be clear in the drafted rules.</p> <p>DGAC France as a strong comment on the notion of “competent authority” as described in this NPA (see comments: n°1008 in Book I, n°789 in Book II and n° 591 in Book III). To solve this strong point, it is asked to add a clear reference to “safety” when talking about the oversight.</p> <p>Consequently, it is proposed to modify Articles 1 and 3 of the Cover Regulation, and ADR.AR.A.005 — Competent Authority as follows:</p> <p>"Article 1 Subject matter [...] (h) certain conditions and procedures for the declaration by and for the safety oversight of service providers referred to in paragraph 2(e) of Article 8a of Regulation (EC) No 216/2008."</p> <p>"Article 3 Oversight capabilities</p> <p>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 safety oversight of aerodromes and aerodrome operators, and providers of apron management services, subject to Regulation (EC) No 216/2008.</p> <p>The competent authority shall be independent of aerodrome operators and providers of apron management services. This independence shall be achieved through adequate separation, at functional level at least, between the competent authority and such organisations. Member States shall ensure that competent authorities exercise their powers impartially and transparently.</p> <p>2. If a Member State designates more than one entity as competent authority:</p> <p>(a) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation; and (b) coordination shall be established between those entities to ensure</p>

effective **safety** oversight of all aerodromes and aerodrome operators, as well as providers of apron management services, subject to Regulation (EC) No 216/2008.

3. Member States shall ensure that the competent authority(ies) has(ve) the necessary capability to ensure the **safety** oversight of all aerodromes, aerodrome operators, and providers of apron management services subject to their **safety** oversight programme, including sufficient resources to fulfil the requirements of this Regulation.

4. Member States shall ensure that competent authority personnel do not perform **safety** oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest

5. Personnel authorised by the competent authority to carry out certification and/or **safety** oversight tasks shall be empowered to perform at least the following tasks:

(a) examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;

(b) take copies of or extracts from such records, data, procedures and other material;

(c) ask for an oral explanation on site;

(d) enter aerodromes, relevant premises, operating sites or other areas and means of transport;

(e) perform audits, investigations, tests, exercises, assessments, inspections; and

(f) take enforcement measures as appropriate.

6. The tasks under paragraph 5 shall be carried out in compliance with the legal provisions of the relevant Member State."

ADR.AR.A.005 – Competent authority

Aerodromes and aerodrome operators shall be certified and overseen on **safety-related matters** by the designated competent authority of the Member State in which the aerodrome is located.

ADR.AR.A.010 – Safety Oversight documentation

The competent authority shall make available legislative acts, standards, rules, technical publications and related documents to:

response Not accepted

EASA's remit is only safety as per recital 1 of Regulation 216/2008 where it says:

'...by the adoption of common safety rules and by measures ensuring that products, persons, and organisations in the Community comply with those rules...'. Therefore, the whole EASA project is so far encompassing safety and to some degree in the certification of aircraft also environment. It is thus not necessary to mention this remit every time.

comment 2806 comment by: HIA - Highlands and Islands Airports Limited

There is no dispensation for all cargo aircraft - these are excluded in the UK definition of commercial air transport.

response Noted

If the UK CAA has commented under AMC4-ADR-OPS.B010 on this matter, please allow EASA to refer you to the answers given there.

comment	2949	comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>								
	<table border="1"> <tr> <td>Référence: 2. (b)</td> <td>"This Regulation and its Annexes also lay down detailed rules on the conditions."</td> </tr> <tr> <td>Proposition/commentaire</td> <td>Il convient d'apporter la modification suivante: <u>"this Regulation and its Annexes also lay down detailed rules on the conditions."</u></td> </tr> <tr> <td>Justification</td> <td>Les paragraphes 1 et 2 sont reliés entre eux. En effet le fait de satisfaire aux dispositions du point 2. permet de satisfaire celles du point 1.</td> </tr> <tr> <td>Traduction de courtoisie</td> <td>Should be amended as follows: "this Regulation and its Annexes also lay down detailed rules on the conditions." By fulfilling the conditions of the point 2., the point 1. is fulfilled as well.</td> </tr> </table>		Référence: 2. (b)	"This Regulation and its Annexes also lay down detailed rules on the conditions."	Proposition/commentaire	Il convient d'apporter la modification suivante: <u>"this Regulation and its Annexes also lay down detailed rules on the conditions."</u>	Justification	Les paragraphes 1 et 2 sont reliés entre eux. En effet le fait de satisfaire aux dispositions du point 2. permet de satisfaire celles du point 1.	Traduction de courtoisie	Should be amended as follows: "this Regulation and its Annexes also lay down detailed rules on the conditions." By fulfilling the conditions of the point 2., the point 1. is fulfilled as well.
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Traduction de courtoisie	Should be amended as follows: "this Regulation and its Annexes also lay down detailed rules on the conditions." By fulfilling the conditions of the point 2., the point 1. is fulfilled as well.									
response	<p><i>Noted</i></p> <p>Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.</p>									
comment	3015	comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i>								
	<p>The annexes to the Cover Regulation have no legal hook within the Cover Regulation. This could be fixed by adding a respective reference to Art.1.</p>									
response	<p><i>Accepted</i></p> <p>Indeed, it was found that a legal hook for each part/annex was needed. Please note that Article 2 had considerably changed since the NPA. Please consult the text for the changes.</p>									
comment	3250	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>								
	<p>The regulation transfers a large amount of responsibility from the regulator to the aerodrome operators. This increased responsibility will force the ADR to transfer money and resources from other projects that directly increase safety to an administrative burden with no apparent advantage to safety.</p> <p>In our case we are a privately owned and operated aerodrome and it is very questionable if we have the legal basis or rights to carry out many of these new responsibilities.</p>									
response	<p><i>Noted</i></p> <p>The Agency is not in the position to comment on Swiss law. Switzerland has expressed its intention to adopt the EASA BR and its implementing</p>									

rules and will most likely take the necessary steps to adapt other laws to it. However, please speak to FOCA about your worries regarding this.

comment	3253	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	There are many inconsistencies throughout the documents. References are missing, or refer to ICAO instead of the appropriate EASA document and there are in many cases unnecessary repetition. The structure and cross references are very complex and very confusing, which in turn make the whole process very user unfriendly.	
response	<i>Noted</i>	

comment	3258	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	<p>The NPA does not reflect the flexibility and customised compliance available under the current and very successful ICAO system of standards and recommendations. This is especially reflected in the case of translating recommendations into binding CS. The AMC with the ELOS criteria is too restrictive, lacks flexibility and we seriously doubt that its quantitative nature can be properly measured. The Acceptable Level of Safety currently being used with its qualitative nature, is a more realistic approach. The AMC and CS are too complex and we have serious doubts about their non-binding nature as they are described. We also believe that themes such as proportionality described in the basic regulation are not reflected in the NPA.</p> <p>We believe that the aerodrome operators and their national regulators can, within the framework of the BR and ER remain accountable for safety while still being able to decide together what is required to maintain the high level of safety that we currently hold.</p> <p>We recommend translating ICAO recommendations into non-binding GM.</p>	
response	<i>Noted</i>	
	<p>The EU legal system does not allow for the distinction between Standards and Recommendations, and since most of Annex 14 was transposed into CS, this is also not necessary, due to the concept of the certification basis, which has been often explained. In the area of operations, that is the IR and AMC for airport operations and maintenance, the Agency does a great effort to find solutions for the cases where a recommendation might be more stringent than the standard. The policy of dealing with the STD and REC is a subject of the new explanatory note of the CRD.</p>	

comment	3442	comment by: <i>Fraport AG</i>
	<p>Editorial</p> <p>1. This regulation applies to aerodromes and its competent authorities, including aerodrome equipment, personnel and organization involved in the operation of these aerodromes in accordance with Article 4 (3a) of Regulation (EC) No 216/2008</p> <p>Fraport AG: This article describes the scope of this IR. It should be clarified, to which</p>	

	type of aerodrome this IR applies. Proposal is to add the paragraph as proposed and to change to numbering of clauses.
response	<p><i>Not accepted</i></p> <p>Regulation 1108/2009 already gives the applicability of the rules under Article 4 3(a). This does not have to be repeated here. In fact, it would be legally unsound to do so.</p>

Draft Commission Regulation - Article 2 - Definitions
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p. 6-10

comment	2	comment by: <i>Croatian Civil Aviation Agency</i>
	<p>Definition of Technical Instructions (see ICAO Annex 18. Amendment 10) 'Technical Instructions' means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284), including the Supplement and any Addenda, approved and published by the International Civil Aviation Organisation, approved and issued periodically in accordance with the procedure established by the ICAO Council.</p>	
response	<i>Noted</i>	
	<p>The Agency is of the view that the same definition of Technical Instructions adopted for Flight Operations purposes should be used, because it covers the same items.</p>	
comment	9	comment by: <i>airsight GmbH</i>
	<p>A definition of ELOS would be appreciated.</p>	
response	<i>Noted</i>	
	<p>The Agency is of the view that this is a widely used term which does not need to be further defined.</p> <p>The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.</p> <p>In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification(s) which would otherwise be part of the certification basis.</p> <p>It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 — Appendix 3 — Technical Analysis).</p>	
comment	27	comment by: <i>ACI EUROPE - Airports Council International</i>

	Make a cross reference of the definitions here to the relevant definitions in the other documents!
response	<p><i>Noted</i></p> <p>The definitions included in one legal text, such as this draft regulation are to be found also in the actual text of the Regulation. Therefore, cross-referring to definitions which are not actually used in the Regulation does not provide any benefit.</p>
comment	<p>28 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>"non instrument runway" definition change to: "Non-instrument runway. A runway intended for landing operations of aircraft using visual approach procedures or an instrument approach procedure according to conditions to be determined by the competent authority"</p> <p>Justification: It is important to ensure customised compliance according to the specific circumstances of the Airport. ICAO also recognized the need for a change and is currently working on a wording with regard to this.</p>
response	<p><i>Noted</i></p> <p>This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.</p>
comment	<p>52 comment by: <i>Belfast International Airport - BFS/EGAA</i></p> <p>We would suggest that the Lower than Standard Category I and and Other Than Standard II operation guidance is included with Instrument Runway Definition</p>
response	<p><i>Noted</i></p> <p>Lower than Standard Category I and Other than Standard Category II operations are not included in the definition of an instrument runway because they refer to approach operations when the requirements for CAT II and CAT III operations have not been met.</p>
comment	<p>61 comment by: <i>Avinor</i></p> <p>Article 2. It should be considered to make a cross reference to the relevant definitions in the other NPA documents.</p> <p>Article 2. The definition of "non instrument runway" should be added by the word "only". The sentence should read "...intended for the operation of aircraft ONLY using visual approach procedures."</p>
response	<p><i>Noted</i></p> <p>The definitions included in one legal text, such as this draft regulation are to be found also in the actual text of the Regulation. Therefore, cross-referring to definitions which are not actually used in the Regulation does not provide any benefit.</p>

The proposed definition of non-instrument runway is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.

comment 62 comment by: CAA Norway
We suggest definition for "Aerodrome" in CR, Article 2 to be the same as the ICAO definition.

response *Noted*
The definition of the aerodrome is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule.

comment 63 comment by: CAA Norway
If you look at the definition for "aerodrome traffic Density" in Annex 14, it uses "aerodrome movement" and just the word "movement". We suggest to use the word "**movement**" only, not "aircraft movement" in CR, Article 2.

response *Accepted*
The definition is amended accordingly.

comment 64 comment by: CAA Norway
We support the definition of "Approved" in CR, Article 2

response *Noted*

comment 91 comment by: Flughafen Düsseldorf GmbH
'Aerodrome' shall mean a defined area (including any buildings[g1], installations and equipment) on land or water or on a fixed, fixed offshore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.

[g1]Sollte auf die Luftseite eines Airports begrenzt werden.

response *Noted*
The definition of the aerodrome is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule.

comment 92 comment by: Flughafen Düsseldorf GmbH
'Aerodrome equipment' shall mean any equipment, apparatus, appurtenance, software or accessory,[g1] that is used or intended to be used to contribute to the operation of aircraft at an aerodrome.

[g1]Hier sollte man noch weiter einschränken. Z.B. zwischen "unmittelbar" und nur "mittelbar" dem Luftverkehr dienend unterscheiden, nur der erste Begriff sollte erfasst werden, ansonsten zu weitgehend.

response	<i>Noted</i> The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.
comment	93 <i>comment by: Flughafen Düsseldorf GmbH</i> <u>'Audit' means a systematic, independent and documented process for obtaining evidence and evaluating it objectively to determine the extent to which requirements are complied with.[g1]</u> <hr/> <u>[g1]</u> Die Formulierung von Anforderungen aus einem Audit sollte weitestgehend standardisiert werden. Erfahrungen aus anderen Audits (Terrorabwehr) zeigen, dass hier oftmals Chaos herrscht.
response	<i>Noted</i> The proposed definition is based on the relevant ISO definition.
comment	94 <i>comment by: Flughafen Düsseldorf GmbH</i> <u>'Dangerous goods' [g1]</u> means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Technical Instructions. <hr/> <u>[g1]</u> Begriff wird auch in anderer EU-VO genannt. Verweis auf die andere VO?
response	<i>Noted</i> Reference to other regulations does not improve readability of the text.
comment	138 <i>comment by: Zürich Airport</i> Definitions are different from ICAO Definitions in Annex 14, please use ICAO Definitions according to ICAO Annex 14.
response	<i>Noted</i> The definitions used are based on Annex 14 or the Basic Regulation. However, in some cases an effort has been made to enhance a definition in order to reflect reality or to accommodate upcoming changes to Annex 14 (e.g. in the definition of precision approach runway there is no specific mention to ILS/MLS but rather to non-visual aids).
comment	142 <i>comment by: Icelandic Civil Aviation Administration</i> We suggest definition for "Aerodrome" in CR, Article 2 to be the same as the ICAO definition.
response	<i>Noted</i> The definition of the aerodrome is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule.

comment	<p>143 comment by: <i>Icelandic Civil Aviation Administration</i></p> <p>Aircraft movement. Error: this is not aircraft movement. If you look at the definition for "aerodrome traffic Density" in A14, it uses "aerodrome movement" and just the word "movement". Suggest to use the word "movement" here only.</p>
response	<p><i>Accepted</i></p> <p>The definition is amended accordingly.</p>
comment	<p>144 comment by: <i>Icelandic Civil Aviation Administration</i></p> <p>Approved. Comment in support: This is a clear and good definition. Strongly support it.</p>
response	<p><i>Noted</i></p>
comment	<p>153 comment by: <i>CAA-NL</i></p> <p>Please add 'only' in the definition for 'non instrument runway'. 'means a runway intended for the operation of aircraft using only visual approach procedures'.</p>
response	<p><i>Noted</i></p> <p>This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.</p>
comment	<p>203 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>The Equivalent Level of Safety (ELOS) is used throughout the new rules. The term is used in the Basic Regulation.</p> <p>Whereas an ELOS was chosen for the domains previously subjected to rulemaking, it not appropriate in the aerodrome domain.</p> <p>Demonstration of an ELOS requires a quantitative risk analysis. This is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an ALOS, Acceptable Level of Safety rather and an Equivalent Level of Safety and therefore, according to what ICAO expects (Annex 14, 1.5.2), ALOS instead of ELOS should be used and aimed for.</p>
response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of</p>

demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment	<p>205 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>Some commentators raise the question of suitability of non instrument runways for instrument approach procedures.</p> <p>A non instrument runway must not be considered as being suitable for visual approaches only. As per today and even more in the future, instrument approaches will be used towards airports equipped with non instrument runways and such possibilities are vital for many airports, smaller and larger ones. Four out of five Swiss airports with scheduled IFR traffic use non instrument runways !</p> <p>ICAO has been drafting a new definition which confirms this and NAAs must remain competent to decide.</p>
response	<p><i>Noted</i></p> <p>This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.</p>
comment	<p>255 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>Definition for "ELOS" : "Description of a general solution, accepted by the authority, which is proposed as an alternative to one CS or a set of CS.</p> <p>Justification: ELOS is mentioned repeatedly in the document and therefore we see the need for a flexible definition of ELOS!</p>
response	<p><i>Noted</i></p> <p>The Agency is of the view that this is a widely used term which does not need to be further defined, while the suggested definition does not convey the meaning of equivalency which is contained in the Basic Regulation.</p>

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 – Appendix 3 – Technical Analysis).

comment	<p>270 comment by: <i>CAA Austria - Ministry of Transport</i></p> <p>Need for a definition of the "equivalent level of safety" - This term is found throughout the document and a clear definition would be needed in order to understand what is meant by this.</p> <p>Some definitions are not consistent with ICAO definitions. They should be aligned so as to present the same understanding globally. Difference in definitions across the regulatory systems can create confusion and mis-understanding on a global scale</p>
response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.</p> <p>The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.</p> <p>In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.</p> <p>It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 – Appendix 3 – Technical Analysis).</p> <p>The definitions used are based on Annex 14 or the Basic Regulation. However, in some cases effort has been made to enhance a definition in order to reflect reality or to accommodate upcoming changes to Annex 14 (e.g. in the definition of precision approach runway there is no specific mention to ILS/MLS but rather to non-visual aids).</p>

comment	<p>279 comment by: <i>BAA Airside operations</i></p>
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There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety"

EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We understand this is because the term is used in the Basic Regulation and the new rules have to reflect the basic regulation. Whereas an ELOS was appropriate in the domains previously subjected to rulemaking. We believe it not appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitative Risk Analysis. This is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety.

response *Noted*

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment 319 comment by: *Danish Transport Authority*

Definition " Aerodrome":

It would be advisable to keep the definition "Aerodrome" as in the ICAO Annex 14, volume I definition.

response *Noted*

The definition of the aerodrome is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule.

comment	320 comment by: <i>Danish Transport Authority</i>
	<p>Definition - 'Aerodrome equipment' :</p> <p>It is necessary to clarify the definition "Aerodrome equipment" to a further extend. The boundary between the ATS/ANS system and "aerodrome equipment" causes a lot of interpretations of the term "systems". Also the use of the term "equipment or installation required for air navigation purposes" are used in ICAO Annex 14, Volume I.</p>
response	<i>Noted</i>
	<p>The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.</p>
comment	321 comment by: <i>Danish Transport Authority</i>
	<p>Definition - 'Aircraft movement':</p> <p>We suggest to use the term "movement" or "aerodrome movement" only, instead of "aircraft movement". The term is used under "aerodrome traffic Density" in ICAO, Annex 14, Volume I.</p>
response	<i>Accepted</i>
	<p>The definition is amended accordingly.</p>
comment	322 comment by: <i>Danish Transport Authority</i>
	<p>New definition:</p> <p>A definition of "Hazardous materiale" should be implemented. ICAO Doc 9774 notes that hazardous material include inflammable liquids and solids, corrosive liquids, compressed gases and magnetized or radioactive materials.</p>
response	<i>Partially accepted</i>
	<p>The Agency has reviewed the use of the terms 'hazardous material' and 'dangerous goods' to ensure consistency in terms used.</p>
comment	323 comment by: <i>Danish Transport Authority</i>
	<p>Definition - 'Low visibility procedures' :</p> <p>Under LVP the conditions of take-off in low visibility conditions must be included.</p> <p>ICAO definition is "and/or departure operations in RVR conditions less than a value of 550 m." Several definitions are not consistant with ICAO definitions. Some have been highlighted in the comments. Definitions should be alligned so they present the same understanding globally. Difference in definitions accross the regulatory systems can create confusion and mis-understanding.</p>
response	<i>Accepted</i>
	<p>The definition has been revised accordingly.</p>

comment

363

comment by: *Edinburgh Airport*

Ref BI Article 2 definitions - there is no definition of the ELoS - Equivalent level of safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety."

Justification - EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We acknowledge this term is used in the Basic Regulation and the new rules have to reflect that. While an ELOS was appropriate in the domains previously subjected to EASA rulemaking we question if it is appropriate in the aerodrome domain. Demonstration of an ELOS requires a quantitative risk analysis as this is the only way you can provide evidence of achieving equivalence. Most risk assessment undertaken in the aerodrome domain are qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the term ELOS represents an Acceptable Level of Safety rather than an Equivalent Level of safety.

response

Noted

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment

382

comment by: *Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)*

AAS specific supports ACI/BAA comment:

EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We understand this is because the term is used in the Basic Regulation and the new rules have to reflect the basic regulation. Whereas an ELOS was appropriate in the domains previously subjected to rulemaking. We believe it not appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitative Risk Analysis. This is the

only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety (ref. attachement).

response

Noted

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment

447

comment by: *Bristol Airport - BRS/EGGD*

<p>BI Article 2 Definitions</p>	<p>There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety"</p>	<p>EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We acknowledge this term is used in the Basic Regulation and the new rules have to reflect that. While an ELOS was appropriate in the domains previously subjected to EASA rulemaking we question if it is appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitive Risk Analysis as this is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without</p>
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		significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety.
response	<i>Noted</i>	<p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.</p> <p>The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.</p> <p>In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.</p> <p>The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).</p> <p>Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.</p>
comment	448	comment by: <i>Brussels Airport - BRU/EBBR</i>
		<p>Listing of definitions not in alphabetical order and incomplete compared to the definitions mentioned in CS-ADR-DSN.A.002-Definitions.</p> <p>I suggest to copy the definitions from CS-ADR-DSN.A.002-Definitions, and to add some definitions, e.g. see my remark on ADR.OR.D.015(g)(3), further here below.</p>
response	<i>Partially accepted</i>	<p>The Agency has reviewed the text to ensure that the definitions are in alphabetical order. The definitions contained in Article 2 of the draft regulation are not the same with those contained in the Book of the Certification Specification s, because the terms used in the draft regulation are not the same with those used in the Certification Specification s.</p>
comment	455	comment by: <i>Avinor</i>
		<p>Article 3. Change (f) "Take enforcement measures as appropriate" to</p>

	"require the authority to take enforcement measures as appropriate". Danger of staff taking on the spot action. Should be adressed through the responsible authority and not through individuals.
response	<i>Noted</i> This comment is misplaced here and belongs to Article 3. However, the authorisation of staff to take action as they see appropriate and in line with the Compenent Authority's policies clearly cannot be a matter of debate.
comment	509 comment by: <i>Estonian CAA</i> We suggest definition for "Aerodrome" in CR, Article 2 to be the same as the ICAO definition.
response	<i>Noted</i> The definition of the aerodrome is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule.
comment	510 comment by: <i>Estonian CAA</i> If you look at the definition for "aerodrome traffic Density" in A14, it uses "aerodrome movement" and just the word "movement". We suggest to use the word "movement" only, not ""aircraft movement"" in CR, Article 2.
response	<i>Accepted</i> The definition is amended accordingly.
comment	511 comment by: <i>Estonian CAA</i> We support the definition of "Approved" in CR, Article 2.
response	<i>Noted</i>
comment	558 comment by: <i>Belfast International Airport - BFS/EGAA</i> The term Equivalent Level of Safety (ELOS) throughout the new rules. However no definition of this is included inthsi section. Also ELOS requires a Quantitive Risk Analysis as this is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety.
response	<i>Noted</i> The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment

597

comment by: *Vienna International Airport*

Need for a definition of the equivalent level of safety.

This term is found throughout the document and a clear definition would be needed in order to understand what is meant by this.

Some definitions are not consistent with ICAO definitions. They should be aligned so as to present the same understanding globally.

Difference in definitions across the regulatory systems can create confusion and mis-understanding on a global scale.

response

Noted

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the

Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

With regard to the definitions given in Article 2, they are based on Annex 14 or the Basic Regulation. However, in some cases an effort has been made to enhance a definition in order to reflect reality or to accommodate upcoming changes to Annex 14 (e.g. in the definition of precision approach runway there is no specific mention to ILS/MLS but rather to non-visual aids).

comment

631

comment by: *Exeter International Airport*

BI Article 2 Definitions : There is no definition of the ELoS - Equivalent Level of Safety.

In the aerodrome domain this should be defined as an "Acceptable Level of Safety". The term Equivalent Level of Safety (ELOS) has been used by EASA throughout the new rules. Exeter Airport acknowledges this term is used in the Basic Regulation and the new rules have to reflect that. While an ELOS was appropriate in the domains previously subjected to EASA rulemaking we question if it is appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitative Risk Analysis as this is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety.

response

Noted

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO

documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment 724 comment by: *Airport Nuremberg - NUE/EDDN*

An "Acceptable Level of Safety" should be identified and communicated accordingly. The definition could be possible directly via EASA or the respective national authority as in ICAO Annex 14 1.5.2

response *Noted*

This issue will be dealt with in the future.

comment 761 comment by: *Finnish Transport Safety Agency*

We suggest definition for "Aerodrome" in CR, Article 2 to be the same as the ICAO definition.

response *Noted*

The definition of the aerodrome is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule.

comment 762 comment by: *Finnish Transport Safety Agency*

If you look at the definition for "aerodrome traffic Density" in A14, it uses "aerodrome movement" and just the word "movement". We suggest to use the word "movement" only, not "aircraft movement" in CR, Article 2.

response *Accepted*

The definition is amended accordingly.

comment 785 comment by: *Union des Aéroports français - UAF*

Attachment [#74](#)

UAF NPA 2011-20 (B.I) CR Art.2 "aerodrome equipment"

Référence: aerodrome equipment

Traduction de courtoisie

Even if this definition is already in the basic regulation, we consider that it is too much detailed and it would be better to describe the equipment as a whole than piece by piece.

We suggest the following writing :

"Aerodrome equipment shall mean any equipment, apparatus or appurtenance, ~~software or accessory~~, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome."

This definition goes too far and we will have a multitude of equipments. It will create unnecessary administrative burden and uncertainty about who

	<p>does what. It would be better to keep only important equipments considering that they include software and accessories.</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.</p>
comment	<p>786 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #75</p> <p>UAF NPA 2011-20 (B.I) CR Art.2 "apron management service"</p> <p>Référence: apron management service</p> <p>Traduction de courtoisie</p> <p>Should be amended as follows: "Apron management service means a service provided to manage the activities and/or the movement of aircraft and/or vehicles on an apron".</p> <p>There is not only one apron management service on a platform and there is a distribution between services with on one hand the management of aircrafts and on the other hand the management of vehicle activities on the apron. There is also a distribution by geographic areas of the platform. Moreover, police authorities are also involved in the management of vehicles on the apron. Our proposal takes into account the different situations otherwise we would have to consider that there is only one apron management service on the platform.</p>
response	<p><i>Noted</i></p> <p>The definition of apron management services is already included in the Basic Regulation and therefore cannot be amended by an implementing rule. However, the way in which apron management services may be provided is not a matter of the definition itself, but rather a matter of the actual related requirements that will be developed, which could accommodate cases like the one presented in the comment. To this end, a dedicated rulemaking task will further detail the requirements for the provision of such services.</p>
comment	<p>787 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #76</p> <p>UAF NPA 2011-20 (B.I) CR Art.2 "audit"</p> <p>Référence: audit</p> <p>Traduction de courtoisie</p> <p>Should be amended as follows: "Audit means a systematic, independent and documented process for obtaining evidence and based on facts assessments to determine the extent to which requirements are complied with."</p> <p>It's preferable not to use the word "objectively" which would always be</p>

	discussed. The essential point for the audit is to be based on recognized facts.
response	<p><i>Noted</i></p> <p>The proposed definition is based on the relevant ISO definition.</p>
comment	<p>788 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #77</p> <p>UAF NPA 2011-20 (B.I) CR Art.2, "instrument runway"</p> <p>Référence: instrument runway</p> <p>Traduction de courtoisie The EASA should take into account the conclusions of the ICAO's Approach classification task force which redefine the approach categories. The case of GNSS is not clearly identified and it should be.</p>
response	<p><i>Noted</i></p> <p>The Agency follows the work of ICAO in the relevant field and tries to ensure that the proposed definitions reflect a mature text and that, when needed, they are aligned with other definitions in other areas.</p>
comment	<p>789 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #78</p> <p>UAF NPA 2011-20 (B.I) CR Art.2, "low visibility procedure"</p> <p>Référence: low visibility procedure</p> <p>Traduction de courtoisie This definition comes from an EU OPS. It is therefore inappropriate. This definition should be amended following the definition of the AMC-ADR-OPS.B.045 which is better in phase with reality: « low visibility procedures (LVP) means procedures applied to an aerodrome if movement of aircraft is permitted when the runway visual range (RVR) is less than 550 meters"</p>
response	<p><i>Noted</i></p> <p>There should be a harmonisation of the definition with other domains like flight operations and ATM.</p>
comment	<p>790 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #79</p> <p>UAF NPA 2011-20 (B.I) CR Art.2, "Lower than Standard Category I operation"</p> <p>Référence: "Lower than Standard Category I operation"</p> <p>Traduction de courtoisie</p>

	<p>This definition should be deleted because it's pointless. It's better to refer only to the AMC.</p>
response	<p><i>Noted</i></p> <p>The definition cannot be at AMC level, since it is related to the terms of approval of the certificate.</p>
comment	<p>791 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #80</p> <p>UAF NPA 2011-20 (B.I) CR Art.2, "Non-instrument runway"</p> <p>Référence: "Non-instrument runway"</p> <p>Traduction de courtoisie We suggest :</p> <ul style="list-style-type: none"> • Either to take the terms of the ICAO Approach classification task force ; • Or to add "only" as follows: "Non-instrument runway means a runway intended only for the operation of aircraft using visual approach procedures". <p>Also, the GNSS procedures are not clearly identified. The actual definitions will conduct to have runways considered at the same time as « instrument runways » and « non-instrument runways ».</p> <p>Indeed, the majority of instrument runways are also aimed to be used for visual approaches.</p> <p>Considering the terms used, « instrument » and « non-instrument », we understand that it is about exclusive categories. However it will not be the case with such definitions even if they come from ICAO.</p>
response	<p><i>Noted</i></p> <p>This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.</p>
comment	<p>836 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 6 Paragraph No: Art 2 - Aerodrome Equipment</p> <p>Comment: Add "safety" between "aerodrome" and "equipment". Add "safety critical" between any and equipment</p> <p>Justification: There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.</p> <p>Proposed Text: 'Aerodrome Safety equipment' shall mean any safety critical equipment, apparatus, appurtenance, software or accessory, that is used or intended to be used to contribute to</p>

	<p>the operation of aircraft at an aerodrome.</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.</p>
comment	<p>837 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • Draft Commission Regulation – Cover regulation – Article 2 – Definitions (p 6 to 10) • Explanatory Note page 8 <p><u>2. Justification and proposed text / comment</u></p> <p>There is no definition for ELOS, but this notion is very important. The following definition is proposed, based on the content of the Explanatory Note page 8 which provides a definition. It is consequently proposed to add in article 2:</p> <p><i>"Equivalent level of safety (ELOS): description of a solution which demonstrates that the intent(s) of the concerned certification specification(s) is (are) met and which is accepted by the competent authority."</i></p>
response	<p><i>Noted</i></p> <p>The proposed definition does not convey the meaning of equivalency, which is contained in the Basic Regulation. Understanding the intent of a specification is a necessary condition for demonstrating an equivalent level of safety. However, it is not sufficient on its own [see also GM2-ADR.AR.C.015(b)(1);(2)]. Moreover, the Agency is of the view that this is a widely used term which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means. In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis. It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 – Appendix 3 – Technical Analysis).</p>

comment	941	comment by: <i>NATS National Air Traffic Services Limited</i>
	Do not repeat definitions that are already in the Basic Regulation (or elsewhere). Recommend that you reference the Basic Regulation and delete definitions that are already defined within it. (e.g. Aerodrome, Aerodrome equipment, Apron, Apron management service, Continuing oversight, Flight information service). Consider whether it may also be appropriate to reference the definitions in 549/2004.	
response	<i>Noted</i>	
	The definitions of terms used in the regulation should be included in the actual regulation, since referring to other regulations is not helpful for the reader.	
comment	944	comment by: <i>NATS National Air Traffic Services Limited</i>
	Art 2 "Technical Instructions". This is an undated reference to a non EASA document, suggest you make specific reference to issue/version.	
response	<i>Noted</i>	
	The same definition is included in the relevant rules for air operators. This cross-reference is in place for practical reasons (frequent amendments).	
comment	945	comment by: <i>NATS National Air Traffic Services Limited</i>
	Art 2 "Safety management system", NATS fully supports the proposed definition.	
response	<i>Noted</i>	
comment	957	comment by: <i>Munich Airport International</i>
	Definition of 'Aerodrome equipment': Add „and is safety relevant“ in the end	
	Justification: needs to be limited to safety relevant equipment	
response	<i>Noted</i>	
	The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.	
comment	958	comment by: <i>Munich Airport International</i>
	Make a cross reference of the definitions here to the relevant definitions in the other documents!	
response	<i>Noted</i>	
	The definitions included in one legal text, such as this draft regulation are to be found also in the actual text of the Regulation. Therefore, cross-referring to definitions which are not actually used in the Regulation does	

not provide any benefit.

comment

962

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- Draft Commission Regulation - Article 2 - Definitions (p6-10)
- AMC/GM to ANNEX III — Part-OPS — GM4-ADR-OPS.B.010 — Training of Rescue and Fire Fighting Personnel (p149-150)
- AMC/GM to ANNEX III — Part-OPS — GM1-ADR-OPS.B.025 — Movement Area Driving Training (p156)
- AMC/GM to ANNEX III — Part-OPS — AMC-ADR-OPS.B.045 – Low visibility operations (p159-160)

2. Justification and proposed text / comment

This comment id linked with comment 768 in book II.

This comment is **critical**, as the drafted rules are confusing on this subject.

When low visibility conditions occur, low visibility operations are activated. According to PANS-ATM (ICAO Doc 4444 – paragraph 7.12.3): "Low visibility operations shall be initiated by or through the aerodrome control tower."

Concerning low visibility, Annex 14 Volume 1 only deals with procedures to be implemented by the aerodrome operator during low visibility conditions.

As a conclusion: ATM is in charge of initiating low visibility operations. Once these low visibility operations initiated, the aerodrome operator has to implement adequate procedures.

Consequently, the definition given in the cover regulation (p8) for "low visibility procedures" is not needed and even brings confusion between the aerodrome operator's procedures and the air navigation service provider's procedures. This definition is not an ICAO Annex 14 volume 1 (which does not use "Standard category I to III") and is an ATM definition: aerodrome operators are dealing with "procedures in low visibility conditions" or "procedures during low visibility operations". Their goal is to permit the implementation of LVP on the aerodrome in low visibility conditions that are when the RVR is less than 550 meters or when asked by the ANSP.

The wording of the implementing rule ADR-OPS.B.045 ("procedures for aerodrome operations in low visibility conditions") reflects correctly this duality and should be taken for the AMC. the definition of LVP should be deleted from the Cover Regulation to avoid confusion.

Therefore DGAC proposes:

• Article 2 of the cover regulation:

~~"Low visibility procedures' means procedures applied at an aerodrome for the purpose of ensuring safe operations during lower than Standard Category I, other than Standard Category II, Category II and III conditions.~~

~~'Lower than Standard Category I operation' means a Category I instrument approach and landing operation using Category I Decision Height, with an RVR lower than would normally be associated with the~~

~~applicable Decision Height but not lower than 400 m.~~

~~[...]~~

~~'Other than Standard Category II operation' means a precision instrument approach and landing operation using ILS or MLS where some or all of the elements of the precision approach Category II light system are not available, and with:~~

~~– Decision Height (DH) below 200 ft but not lower than 100 ft; and~~

~~– Runway Visual Range (RVR) of not less than 350 m."~~

· GM4-ADR-OPS.B.010 — Training of Rescue and Fire Fighting Personnel

"(a) The training of rescue and fire-fighting personnel may include initial and recurrent training in at least the following areas:

[...]

(13) low visibility operations procedures;

[...]"

· GM1-ADR-OPS.B.025 — Movement Area Driving Training

"(a) The training for driving on the movement area may include the following:

[...]

(7) low visibility operations procedures; and

[...]"

· AMC-ADR-OPS.B.045 – Low visibility operations

"(a) The aerodrome operator should, in collaboration with ANSPs and major aircraft operators at the aerodrome establish low visibility means and procedures for aerodrome operations in low visibility conditions (LVP) if movement of aircraft is permitted when the RVR is less than 550 meters;

(b) Low visibility The procedures for aerodrome operations in low visibility conditions (LVP) should be approved by the competent authority before implementation;

(c) When the procedures for aerodrome operations in low visibility conditions (LVP) are in effect, the aerodrome operator should make available to AIS and/or ATS, as appropriate, information on the status of the aerodrome facilities;

(d) The aerodrome operator should establish and implement procedures for aerodrome operations in low visibility conditions to ensure that, when low visibility procedures (LVP) they are in effect, persons and vehicles operating on an apron are restricted to the essential minimum;

(e) The procedures to be established by the aerodrome operator to ensure safe aerodrome operations during low visibility conditions should cover the following subjects:

(1) physical characteristics of the runway environment, including approach and departure areas;

(2) obstacle limitation surfaces;

(3) visual aids compliant to AMC-ADR-OPS.B.040 (night operations);

(4) non-visual aids;

(5) secondary power supplies;

(6) movement area safety;

(7) RFFS."

response

Noted

The term Low Visibility Procedures (LVPs) is widely used through ICAO documents. Therefore, it is not appropriate to introduce a new term. LVPs

are considered as a set of procedures that should be implemented by various entities such as ATS, aerodrome operator, apron management, security, RFFS, etc. and cannot be attributed to ATS who are responsible for their initiation.

comment

966

comment by: ADP : Aeroports de Paris

Référence: aerodrome equipment

"Aerodrome equipment shall mean any equipment, apparatus, appurtenance, software or accessory, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome."

Proposition/commentaire

Bien que cette définition soit déjà dans le règlement de base, nous estimons que pour les aérodromes, elle va trop loin dans les détails et qu'il vaut mieux considérer l'équipement dans son ensemble et non pas pièce par pièce.

Nous proposons la rédaction suivante :

"Aerodrome equipment shall mean any equipment, apparatus or appurtenance, software or accessory, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome."

Justification

Avec une définition allant aussi loin nous allons avoir une multitude d'équipements et même des équipements inclus dans d'autres équipements. Cela va générer non seulement des lourdeurs administratives et également une confusion dans le « qui fait quoi ». Il est préférable de ne conserver que les équipements d'une certaine importance considérant que les logiciels et les accessoires font partie de ces équipements.

Traduction de courtoisie

Even if this definition is already in the basic regulation, we consider that it is too much detailed and it would be better to describe the equipment as a whole than piece by piece.

We suggest the following writing :

"Aerodrome equipment shall mean any equipment, apparatus or appurtenance, software or accessory, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome."

This definition goes too far and we will have a multitude of equipments. It will create unnecessary administrative burden and uncertainty about who does what. It would be better to keep only important equipments considering that they include software and accessories.

response

Noted

The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.

comment

967

comment by: ADP : Aeroports de Paris

Référence: apron

management service

"Apron management service means a service provided to manage the activities and the movement of aircraft and vehicles on an apron".

Propositions/commentaires

Il convient de modifier de la manière suivante: "Apron management service means a service provided to manage the activities and/or the movement of aircraft and/or vehicles on an apron".

Justification

Il est à considérer qu'il n'existe pas toujours qu'un seul service de gestion de l'aire de stationnement (« apron management service ») sur une plateforme et qu'il existe une répartition entre services pour d'un côté la gestion des mouvements d'aéronefs et de l'autre la gestion des véhicules sur l'aire de trafic. Il existe également une répartition par aire géographique de l'aire de trafic.

Par ailleurs les autorités de police ont également un rôle dans la gestion des véhicules sur l'aire de trafic.

La proposition que nous formulons permet de prendre en considération les différents cas de figure, autrement nous ne pourrions considérer qu'un unique service de gestion de l'aire de trafic sur la plateforme.

Traduction de courtoisie

Should be amended as follows: "Apron management service means a service provided to manage the activities and/or the movement of aircraft and/or vehicles on an apron".

There is not only one apron management service on a platform and there is a distribution between services with on one hand the management of aircrafts and on the other hand the management of vehicle activities on the apron. There is also a distribution by geographic areas of the platform.

Moreover, police authorities are also involved in the management of vehicles on the apron.

Our proposal takes into account the different situations otherwise we would have to consider that there is only one apron management service on the platform.

response

Noted

The definition of apron management services is already included in the Basic Regulation and therefore cannot be amended by an implementing rule. However, the way in which apron management services may be provided is not a matter of the definition itself, but rather a matter of the actual related requirements that will be developed, which could accommodate cases like the one presented in the comment. To this end, a dedicated rulemaking task will further detail the requirements for the provision of such services.

comment

978

comment by: *Dublin Airport Authority*

EASA has used the term – ‘Equivalent Level of Safety (ELOS)’ throughout the NPA. While an ELOS was appropriate in other areas of Aviation Safety, it is inappropriate in the aerodrome domain. Demonstration of an ELOS requires a quantitative risk analysis as this is the only method of providing evidence of achieving equivalence. The majority of risk assessments undertaken at Aerodromes are qualitative in nature and such a requirement, without being proper definition in the context of aerodrome operations, could place a significant burden in terms of both costs and resourcing.

ELOS should be defined. Note that this does not specifically require a quantitative risk analysis to be performed.

the ACI Europe EASA Taskforce has suggested the following as a proposed definition:

“Description of a general solution, accepted by the competent authority, which is proposed as an alternative to a Certification Specification or a set of Certification Specifications.”

DAA would support the adoption of such a generally flexible definition.

No definition is provided in respect of the terms: SHALL / SHOULD / MAY which is used extensively throughout the documentation of the NPA. The addition and context of the word: “MAY” with regard to compliance must be defined to avoid confusion.

Definition of “Audit” is very limited. It does not allow for the differences between external and internal audit

response

Noted

The Agency is of the view that the term ‘equivalent level of safety’ is a widely used term, which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant’s demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources.

With regard to the use of the words shall/should/may, it should be noted that these rules do not follow the logic of ICAO texts where different verbs are used for standards and recommended practices. This issue is addressed via the relevant definitions instead.

With regard to the definition of an audit, the Agency's proposed definition is based on the ISO definition, which is believed to cover both internal and external audits.

comment

982

comment by: ADP : Aeroports de Paris

Référence: audit

"Audit means a systematic, independent and documented process for obtaining evidence and evaluating it objectively to determine the extent to which requirements are complied with."

Proposition/commentaire

Il convient de modifier la manière suivante: "Audit means a systematic, independent and documented process for obtaining evidence and based on facts assessments to determine the extent to which requirements are complied with."

Justification

Il est préférable de ne pas utiliser le terme "objectively" qui est toujours sujet à controverse. L'élément essentiel est que l'audit doit se fonder sur des faits avérés.

Traduction de courtoisie

Should be amended as follows: "Audit means a systematic, independent and documented process for obtaining evidence and based on facts assessments to determine the extent to which requirements are complied with."

It's preferable not to use the word "objectively" which would always be discussed. The essential point for the audit is to be based on recognized facts.

response

Noted

The proposed definition is based on the relevant ISO definition.

comment

983

comment by: ADP : Aeroports de Paris

Référence: instrument runway

"Instrument runway means one of the following types of runways [...] intended for operations with no decision height and no runway visual range limitations."

Proposition/commentaire

L'AESA devrait prendre en compte les conclusions de l'Approach

	<p>classification task force de l'OACI qui redéfinissent les catégories d'approche.</p> <p>Le cas des approches GNSS n'est pas clairement identifié et devrait l'être.</p> <p>Justification</p> <p>Traduction de courtoisie The EASA should take into account the conclusions of the ICAO's Approach classification task force which redefine the approach categories.</p> <p>The case of GNSS is not clearly identified and it should be.</p>
response	<p><i>Noted</i></p> <p>The Agency follows the work of ICAO in the relevant field and tries to ensure that the proposed definitions reflect a mature text and that, when needed, they are aligned with other definitions in other areas.</p>
comment	<p>984 comment by: ADP : Aeroports de Paris</p> <p>Référence: low visibility procedure</p> <p>"Low visibility procedures means procedures applied at an aerodrome for the purpose of ensuring safe operations during lower than Standard Category I, other than Standard Category II, Category II and III conditions."</p> <p>Proposition/commentaire Il convient de modifier cette définition en reprenant la définition qui est dans l'AMC-ADR-OPS.B.045 qui correspond mieux à la réalité ce qui donnerait : « « les procédures par basse visibilité » signifie les procédures appliquées sur un aérodrome quand il y a des mouvements d'aéronefs permis lorsque la portée visuelle de piste est inférieure à 550 mètres. »</p> <p>Justification Cette définition provient d'un EU OPS. Elle est par conséquent inadaptée aux aérodromes.</p> <p>Traduction de courtoisie This definition comes from an EU OPS. It is therefore inappropriate.</p> <p>This definition should be amended following the definition of the AMC-ADR-OPS.B.045 which is better in phase with reality : « low visibility procedures (LVP) means procedures applied to an aerodrome if movement of aircraft is permitted when the runway visual range (RVR) is less than 550 meters"</p>
response	<p><i>Noted</i></p> <p>There should be a harmonisation of the definition with other domains like flight operations and ATM.</p>
comment	<p>986 comment by: ADP : Aeroports de Paris</p> <p>Référence: "Lower than Standard Category I operation"</p>

"Lower than Standard Category I operation means a Category I instrument approach and landing operation using Category I Decision Height, with an RVR lower than would normally be associated with the applicable Decision Height but not lower than 400 m."

Proposition/commentaire

Cette définition devrait être supprimée.

Justification

Elle ne se retrouve pas dans le corps du texte. Elle est inutile. Mieux vaut se référer uniquement à l'AMC.

Traduction de courtoisie

This definition should be deleted because it's pointless.

It's better to refer only to the AMC.

response *Noted*

The definition cannot be at AMC level, since it is related to the terms of approval of the certificate.

comment

987

comment by: ADP : Aeroports de Paris

Référence: "Non-instrument runway"

"Non-instrument runway means a runway intended for the operation of aircraft using visual approach procedures".

Proposition/commentaire

Il est proposé:

- Soit de reprendre les termes de l'Approach classification task force de l'OACI ;

- Soit d'ajouter "only" comme suit: "Non-instrument runway means a runway intended only for the operation of aircraft using visual approach procedures".

Par ailleurs, le cas des procédures GNSS n'est pas clairement identifié.

Justification

Si nous reprenons les définitions telles qu'écrites, nous allons avoir des pistes, considérées comme des infrastructures, qui seront à la fois « instrument runways » et « non-instrument runways ».

En effet la grande majorité des pistes aux instruments sont également destinées à être utilisées pour des procédures d'approches à vue.

Vu les termes utilisés, « instrument » et « non-instrument », il est compris qu'il s'agit de catégories exclusives. Or, cela ne sera pas le cas avec de telles définitions qui, certes, proviennent de l'OACI.

Traduction de courtoisie

We suggest :

- Either to take the terms of the ICAO Approach classification task

	<p>force ;</p> <p>- Or to add "only"as follows: "Non-instrument runway means a runway intended only for the operation of aircraft using visual approach procedures".</p> <p>Also, the GNSS procedures are not clearly identified.</p> <p>The actual definitions will conduct to have runways considered at the same time as « instrument runways » and « non-instrument runways ».</p> <p>Indeed, the majority of instrument runways are also aimed to be used for visual approaches.</p> <p>Considering the terms used, « instrument » and « non-instrument », we understand that it is about exclusive categories. However it will not be the case with such definitions even if they come from ICAO.</p>
response	<p><i>Noted</i></p> <p>This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.</p>

comment	<p>995 comment by: <i>London Biggin Hill Airport</i></p> <p>There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety"</p> <p>EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. This term is used in the Basic Regulation and the new rules have to reflect that. While an ELOS was appropriate in the domains previously EASA rulemaking it is perhaps not appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitive Risk Analysis as this is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety.</p>
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response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.</p> <p>The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.</p> <p>In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va</p>
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without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment

1018

comment by: *MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen*

Definitions are not only to be found in art.2, but in many sections. Therefore they either should be consolidated in art 2. or at least references should be made.

Recommendation: One extensive and entire collection of the definitions in article 2.

The following examples are called:

The term "equivalent level of safety" has to be defined (article 6, 7)

The definition "international operation" is missing (article 5)

The definition "vicinity of the aerodrome" is missing (article 9)

The definition "significant cases" is missing (AR-ADR- AR A 020)

Also definitions should be checked against their compatibility with respective ICAO definitions in Annex 14.

Differences in this respect may cause problems in the international context and have to be avoided.

The proposed definition for LVP, in Cover regulation, is neither appropriate nor useful for aerodromes. The aerodrome operator does not deal with LPV but established means and procedures for the operations in low visibility conditions: terms "lower than standard CAT I operation" and "other than standard CAT II operation" do not add any value and should be deleted. CAT I, II and II are known operating conditions

response

Noted

LVPs is a general term used to describe the procedures that should be followed in order for LTS CAT I, OTS CAT II, CAT II and CAT III approaches to be conducted at the aerodrome. This includes aerodrome procedures and ATS procedures. LTS CAT I approaches require the application of LVPs in order to be conducted.

comment

1066

comment by: *Cologne/Bonn Airport*

Aerodrome Equipment: should be added "and is safety relevant".
Justification: needs to be limited to safety relevant equipment.

response

Noted

The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.

comment

1149

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- Cover regulation – Article 2 – Definitions (p9-10)
- ANNEX II - Part-OR - ADR.OR.D.020 – Facilities requirements (p52-53)

2. Justification and Proposed text / comment

The ICAO Doc 9284, Technical Instructions for the Safe Transport of Dangerous Goods by Air is a manual which is linked to ICAO Annex 18 on "The Safe Transport of Dangerous Goods by Air".

In the Foreword of this manual, the following is written:

"RELATIONSHIP TO ANNEX 18 TO THE CHICAGO CONVENTION - The broad principles governing the international transport of dangerous goods by air are contained in Annex 18 to the Convention on International Civil Aviation – The Safe Transport of Dangerous Goods by Air. These Technical Instructions amplify the basic provisions of Annex 18 and contain all the detailed instructions necessary for the safe international transport of dangerous goods by air."

As indicated in the name of Annex 18 and in the foreword quoted above, the specifications in this Technical Instruction apply to airlines, and to ground handlers for their training to deal with dangerous goods. This is not linked to aerodrome matters, nor to aerodrome operator responsibilities.

Moreover, in the Cover Regulation and in its Annexes (IR), the specifications coming from ICAO should be transposed, and not referred to.

Consequently, it is proposed to delete the reference to this instruction, which is not relevant for aerodromes and aerodromes operators, but to airlines and their subcontractors (ground handlers).

Cover Regulation

"Article 2 – Definitions

~~"[...] 'Technical instructions' means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air, including the Supplement and any Addenda, approved and published by the International Civil Aviation Organisation."~~

ADR.OR.D.020 – Facilities requirements

" [...] (b) The aerodrome operator shall ensure, as applicable, that adequate and appropriate facilities, installations and equipment exist at the aerodrome:

~~(1) for the safe storage and handling of dangerous goods, in accordance with the Technical Instructions, transported through the aerodrome;~~

~~" [...]"~~

response	<i>Noted</i>
	<p>The term needs to be included in the definitions, since the term dangerous goods also appears in the text of the draft regulation. It is also appropriate to ensure that aerodrome operators and air operators have the same reference material.</p>
comment	<p>1159 comment by: <i>Avinor</i></p>
	<p>Article 2. There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety". EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We understand this is because the term is used in the Basic Regulation and the new rules have to reflect the basic regulation. Whereas an ELOS was appropriate in the domains previously subjected to rulemaking. We believe it is not appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitative Risk Analysis. This is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather than an Equivalent Level of Safety.</p>
response	<i>Noted</i>
	<p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.</p> <p>The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.</p> <p>In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.</p> <p>The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).</p> <p>Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.</p>
comment	<p>1232 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p>

1. Affected paragraphs

- Draft Commission Regulation - Article 2 - Definitions (p6-10)
- AMC/GM to ANNEX III — Part-OPS — GM4-ADR-OPS.B.010 — Training of Rescue and Fire Fighting Personnel (p149-150)
- AMC/GM to ANNEX III — Part-OPS — GM1-ADR-OPS.B.025 — Movement Area Driving Training (p156)
- AMC/GM to ANNEX III — Part-OPS — AMC-ADR-OPS.B.045 - Low visibility operations (p159-160)

2. Justification and proposed text / comment

This comment is linked with comment 993 in book II.

This comment is **critical**, as the drafted rules are confusing on this subject.

When low visibility conditions occur, low visibility operations are activated. According to PANS-ATM (ICAO Doc 4444 – paragraph 7.12.3): “Low visibility operations shall be initiated by or through the aerodrome control tower.”

Concerning low visibility, Annex 14 Volume 1 only deals with procedures to be implemented by the aerodrome operator during low visibility conditions.

As a conclusion: ATM is in charge of initiating low visibility operations. Once these low visibility operations initiated, the aerodrome operator has to implement adequate procedures.

Consequently, the definition given in the cover regulation (p8) for “low visibility procedures” is not needed and even brings confusion between the aerodrome operator’s procedures and the air navigation service provider’s procedures. This definition is not an ICAO Annex 14 volume 1 (which does not use “Standard category I to III”) and is an ATM definition: aerodrome operators are dealing with “procedures in low visibility conditions” or “procedures during low visibility operations”. Their goal is to permit the implementation of LVP on the aerodrome in low visibility conditions that are when the RVR is less than 550 meters or when asked by the ANSP.

The wording of the implementing rule ADR-OPS.B.045 (“procedures for aerodrome operations in low visibility conditions”) reflects correctly this duality and should be taken for the AMC. The definition of LVP should be deleted from the Cover Regulation to avoid confusion.

Therefore DGAC proposes:

Article 2 of the cover regulation:

~~“‘Low visibility procedures’ means procedures applied at an aerodrome for the purpose of ensuring safe operations during lower than Standard Category I, other than Standard Category II, Category II and III conditions.~~

~~‘Lower than Standard Category I operation’ means a Category I instrument approach and landing operation using Category I Decision Height, with an RVR lower than would normally be associated with the applicable Decision Height but not lower than 400 m.~~

~~[...]~~

~~‘Other than Standard Category II operation’ means a precision instrument approach and landing operation using ILS or MLS where some or all of the elements of the precision approach Category II light system are not~~

available, and with:

- ~~– Decision Height (DH) below 200 ft but not lower than 100 ft; and~~
- ~~– Runway Visual Range (RVR) of not less than 350 m."~~

GM4-ADR-OPS.B.010 – Training of Rescue and Fire Fighting Personnel

"(a) The training of rescue and fire-fighting personnel may include initial and recurrent training in at least the following areas:

[...]

(13) low visibility ~~operations~~ procedures;

[...]"

GM1-ADR-OPS.B.025 – Movement Area Driving Training

"(a) The training for driving on the movement area may include the following:

[...]

(7) low visibility ~~operations~~ procedures; and

[...]"

AMC-ADR-OPS.B.045 – Low visibility operations

"(a) The aerodrome operator should, in collaboration with ANSPs and major aircraft operators at the aerodrome establish ~~low visibility means and procedures for aerodrome operations in low visibility conditions (LVP)~~ if movement of aircraft is permitted when the RVR is less than 550 meters;

(b) ~~Low visibility~~ The procedures for aerodrome operations in low visibility conditions (LVP) should be approved by the competent authority before implementation;

(c) When the procedures for aerodrome operations in low visibility conditions (LVP) are in effect, the aerodrome operator should make available to AIS and/or ATS, as appropriate, information on the status of the aerodrome facilities;

(d) ~~The aerodrome operator should establish and implement procedures for aerodrome operations in low visibility conditions to~~ should ensure that, when ~~low visibility procedures (LVP)~~ they are in effect, persons and vehicles operating on an apron are restricted to the essential minimum;

(e) The procedures to be established by the aerodrome operator to ensure safe aerodrome operations during low visibility conditions should cover the following subjects:

(1) physical characteristics of the runway environment, including approach and departure areas;

(2) obstacle limitation surfaces;

(3) visual aids compliant to AMC-ADR-OPS.B.040 (night operations);

(4) non-visual aids;

(5) secondary power supplies;

(6) movement area safety;

(7) RFFS."

response

Noted

The term Low Visibility Procedures (LVPs) is widely used through ICAO documents. Therefore, it is not appropriate to introduce a new term. LVPs are considered as a set of procedures that should be implemented by various entities such as ATS, aerodrome operator, apron management, security, RFFS, etc. and cannot be attributed to ATS who are responsible for their initiation.

comment	<p>1249 comment by: <i>Blackpool Airport - BLK/EGNH</i></p>
	<p>BI Article 2 Definitions : There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety". The term Equivalent Level of Safety (ELOS) has been used by EASA throughout the new rules. Blackpool Airport acknowledges this term is used in the Basic Regulation and the new rules have to reflect that. While an ELOS was appropriate in the domains previously subjected to EASA rulemaking we question if it is appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitive Risk Analysis as this is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety.</p>
response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means. In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis. The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774). Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.</p>
comment	<p>1296 comment by: <i>CAA Norway</i></p> <p>It is necessary to clarify the definition "Aerodrome equipment" to a further extend. The boundary between the ATS/ANS system and "aerodrome equipment" causes a lot of interpretations of the term "systems". Also the use of the term "equipment or installation required for air navigation purposes" are used in ICAO Annex 14, Volume I.</p>
response	<p><i>Noted</i></p>

The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.

comment *1311* comment by: *Federal Office of Civil Aviation FOCA*

Article 2 (Definitions):

1. Please integrate the definition from CS ADR DSN - BOOK 1, Clearway. Justification: Lack of definition of clearway (the term is used in another definition).
2. LVP also include TKOF related operations. This is missing in the proposed definiton.
3. "lower than standard CAT I operation" and "other than standard CAT II operation". Please delete these definitions as they have no added value. Justification: CAT I, II and III are well established operations conditions.
4. Please complete the definition of obstables with: "... stand outside those defined surfaces and that have been assessed as being a hazard to air navigation and/or flight operations."

response *Partially accepted*

The definitions will be amended to include the definition of obstacle and clearway. However, the Agency is of the view that the terms 'lower than standard CAT 1' and 'other than standard CAT II' should be remain in the definitions as they are contained in the terms of approval of the certificate.

comment *1396* comment by: *Gatwick Airport Ltd*

There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety"

Justification

EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We acknowledge this term is used in the Basic Regulation and the new rules have to reflect that. While an ELOS was appropriate in the domains previously subjected to EASA rulemaking we question if it is appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitive Risk Analysis as this is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety.

response *Noted*

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment	1408 comment by: <i>Geneva International Airport (ROMIG)</i>
	<p>Make a cross reference of the definitions here to the relevant definitions in the other documents or consolidate them all. There are definitions found in many sections of the documents, either they should be consolidated in one place or references should be made.</p> <p>In addition, some definitions are not consistent with ICAO definitions. They should be aligned so as to present the same understanding of the issues on a global level and not produce regional differences.</p>
response	<i>Noted</i>
	<p>The definitions included in one legal text, such as this draft regulation, are to be found also in the actual text of the Regulation. Therefore, cross-referring to definitions which are not actually used in the Regulation does not provide any benefit.</p> <p>The definitions contained in the draft regulation are based in their vast majority on Annex 14. In the few cases where a definition is slightly different from the ICAO one, this is due to the fact that a different definition exists in the Basic Regulation, or that mature ICAO text has been taken into account.</p>
comment	1409 comment by: <i>Salzburger Flughafen GmbH</i>
	<p>Need for a definition of the equivalent level of safety.</p> <p>this term is found throughout the document and a clear definition would be needed in order to understand what is meant by this.</p> <p>Some definitions are not consistent with ICAO definitions. They should be</p>

	aligned so as to present the same understanding globally. Difference in definitions across the regulatory systems can create confusion and mis-understanding on a global scale.
response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.</p> <p>The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.</p> <p>In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.</p> <p>This term is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774). Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies.</p> <p>Moreover, the definitions contained in the draft regulation are based in their vast majority on Annex 14. In the few cases where a definition is slightly different from the ICAO one, this is due to the fact that a different definition exists in the Basic Regulation, or that mature ICAO text has been taken into account.</p>
comment	<p>1440 comment by: <i>Belgian CAA</i></p> <p>Quite some definitions that are mentioned under CS-ADR-DSN.A.002 are also applicable in Article 2 of the cover regulation. It is preferable to have one single list of definitions.</p>
response	<p><i>Noted</i></p> <p>The definitions contained in the draft regulation are separate from those contained in the draft Decision for Certification Specifications and Guidance Material, as they have a different legal nature and in fact are two different sets of requirements, which, however, emanate in their vast majority from Annex 14. In the few cases where a definition is slightly different from the ICAO one, this is due to the fact that a different definition exists in the Basic Regulation, or that mature ICAO text has been taken into account.</p>
comment	<p>1480 comment by: <i>Stansted Airport</i></p> <p>There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety"</p>

EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We understand this is because the term is used in the Basic Regulation and the new rules have to reflect the basic regulation. Whereas an ELOS was appropriate in the domains previously subjected to rulemaking. We believe it not appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitative Risk Analysis. This is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety

response *Noted*

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment

1511

comment by: *Flughafen Linz-Hörsching - LNZ/LOWL*

Need for a definition of the equivalent level of safety.

This term is found throughout the document and a clear definition would be needed in order to understand what is meant by this.

Some definitions are not consistent with ICAO definitions. They should be aligned so as to present the same understanding globally.

Difference in definitions across the regulatory systems can create confusion and mis-understanding on a global scale.

response

Noted

The Agency is of the view that the term 'equivalent level of safety' is a widely used term, which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 — Appendix 3 — Technical Analysis).

The definitions used are based on Annex 14 or the Basic Regulation. However, in some cases effort has been made to enhance a definition in order to reflect reality or to accommodate upcoming changes to Annex 14 (e.g. in the definition of precision approach runway there is no specific mention to ILS/MLS but rather to non-visual aids).

comment

1559

comment by: *Euroairport Bâle-Mulhouse*Attachment [#81](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.2 "aerodrome equipment"

Référence: aerodrome equipment

Traduction de courtoisie

Even if this definition is already in the basic regulation, we consider that it is too much detailed and it would be better to describe the equipment as a whole than piece by piece.

We suggest the following writing :

"Aerodrome equipment shall mean any equipment, apparatus or appurtenance, ~~software or accessory~~, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome."

This definition goes too far and we will have a multitude of equipments. It will create unnecessary administrative burden and uncertainty about who does what. It would be better to keep only important equipments considering that they include software and accessories

response

Noted

The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.

comment

1560

comment by: *Euroairport Bâle-Mulhouse*

	<p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.2, "instrument runway"</p> <p>Référence: instrument runway</p> <p>Traduction de courtoisie The EASA should take into account the conclusions of the ICAO's Approach classification task force which redefine the approach categories. The case of GNSS is not clearly identified and it should be.</p>
response	<p><i>Noted</i></p> <p>The Agency follows the work of ICAO in the relevant field and tries to ensure that the proposed definitions reflect a mature text and that, when needed, they are aligned with other definitions in other areas.</p>
comment	<p>1563 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #85</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.2, "low visibility procedure"</p> <p>Référence: low visibility procedure</p> <p>Traduction de courtoisie This definition comes from an EU OPS. It is therefore inappropriate. This definition should be amended following the definition of the AMC-ADR-OPS.B.045 which is better in phase with reality : « low visibility procedures (LVP) means procedures applied to an aerodrome if movement of aircraft is permitted when the runway visual range (RVR) is less than 550 meters"</p>
response	<p><i>Noted</i></p> <p>There should be a harmonisation of the definition with other domains like flight operations and ATM.</p>
comment	<p>1564 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #86</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.2, "Lower than Standard Category I operation"</p> <p>Référence: "Lower than Standard Category I operation"</p> <p>Traduction de courtoisie This definition should be deleted because it's pointless. It's better to refer only to the AMC.</p>
response	<p><i>Noted</i></p> <p>The definition cannot be at AMC level, since it is related to the terms of approval of the certificate.</p>
comment	<p>1566 comment by: <i>Euroairport Bâle-Mulhouse</i></p>

Attachment [#87](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.2, “Non-instrument runway”

Référence: “Non-instrument runway”

Traduction de courtoisie

We suggest :

- Either to take the terms of the ICAO Approach classification task force ;
- Or to add “only” as follows: “Non-instrument runway means a runway intended **only** for the operation of aircraft using visual approach procedures”.

Also, the GNSS procedures are not clearly identified. The actual definitions will conduct to have runways considered at the same time as « instrument runways » and « non-instrument runways ». Indeed, the majority of instrument runways are also aimed to be used for visual approaches. Considering the terms used, « instrument » and « non-instrument », we understand that it is about exclusive categories. However it will not be the case with such definitions even if they come from ICAO.

response *Noted*

This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.

comment

1627

comment by: Turin Airport - TRN/LIMF

A definition of "equivalent level of safety" is needed in order to clarify what the equivalent level of safety is.

In the aerodrome domain this should be defined as an “Acceptable Level of Safety” in order to accepted by the CAA on the basis of qualitative assessment instead of a quantitative one.

response *Noted*

The Agency is of the view that the term ‘equivalent level of safety’ is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant’s demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment

1628

comment by: *Assaeroporti - Associazione Italiana Gestori Aeroporti*

A definition of "Equivalent Level of Safety" is needed in order to clarify what the equivalent level of safety is.

In the aerodrome domain this should be defined as an Acceptable Level of Safety in order to be accepted by the CAA on the basis of a qualitative assessment instead of a quantitative one.

response

Noted

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment

1629

comment by: *Innsbruck Airport Authority - Tiroler Flughafensbetriebsges. mbH*

Need for a definition of the equivalent level of safety.

This term is found throughout the document and a clear definition would be needed in order to understand what is meant by this.

	<p>Some definitions are not consistent with ICAO definitions. They should be aligned so as to present the same understanding globally. Difference in definitions across the regulatory systems can create confusion and mis-understanding on a global scale.</p>
response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term, which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means. In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis. It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 — Appendix 3 — Technical Analysis). The definitions used are based on Annex 14 or the Basic Regulation. However, in some cases effort has been made to enhance a definition in order to reflect reality or to accommodate upcoming changes to Annex 14 (e.g. in the definition of precision approach runway there is no specific mention to ILS/MLS but rather to non-visual aids).</p>
comment	<p>1630 comment by: <i>Swedish Transport Agency</i></p> <p>We suggest definition for "Aerodrome" in CR, Article 2 to be the same as the ICAO definition.</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule.</p>
comment	<p>1631 comment by: <i>Swedish Transport Agency</i></p> <p>We support the definition of "Approved" in CR, Article 2.</p>
response	<p><i>Noted</i></p>
comment	<p>1632 comment by: <i>Swedish Transport Agency</i></p> <p>instrument runway, pkt 1: Propose the word directional is replaced by the word lateral.</p>
response	<p><i>Noted</i></p> <p>The terminology used is accordance with the relevant ICAO definition.</p>

comment	<p>1640 comment by: ECA - European Cockpit Association</p>
	<p>Change the following definition as follows: 'Aircraft movement' means either a take-off or landing. <u>For the purpose of ground safety, aircraft movement is any movement of an aircraft under own power or by any other means (e.g. Pushback or Pull-Out truck).</u></p> <p>Justification: The proposed definition seems to aim at airport capacity regarding takeoff and landing (e.g. Traffic Rate per year, Traffic figures etc.). However, there are several cases where Aircraft Movements are relevant on ground only as for the assessment of taxiway and apron dimensions.</p>
response	<p><i>Noted</i></p> <p>The definiiton serves mainly for the purpose of measuring movements for the application of Articles 4 and 5 of the draft regulation.</p>
comment	<p>1642 comment by: ECA - European Cockpit Association</p>
	<p>Change definition as follows: 'Apron' means a defined area intended to accommodate aircraft for purposes of <u>aircraft movement</u> loading or unloading passengers, mail or cargo, fuelling, parking or maintenance.</p> <p>Justification: An apron should also be planned to accommodate the movement of an aircraft.</p>
response	<p><i>Noted</i></p> <p>The definition used is already contained in Article 3 of the Basic Regulation and cannot be amended by an implementing rule.</p>
comment	<p>1709 comment by: Flughafen Graz Betriebs GmbH</p>
	<p>Need for a definition of the equivalent level of safety.</p> <p>This term is found throughout the document and a clear definition would be needed in order to understand what is meant by this.</p> <p>Some definitions are not consistent with ICAO definitions. They should be aligned so as to present the same understanding globally.</p> <p>Difference in definitions across the regulatory systems can create confusion and mis-understanding on a global scale.</p>
response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.</p> <p>The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in</p>

Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 – Appendix 3 – Technical Analysis).

The definitions used are based on Annex 14 or the Basic Regulation. However, in some cases effort has been made to enhance a definition in order to reflect reality or to accommodate upcoming changes to Annex 14 (e.g. in the definition of precision approach runway there is no specific mention to ILS/MLS but rather to non-visual aids).

comment

1741

comment by: UK CAA

Page No: 6**Paragraph No:** Article 2 - Definitions

Comment: The definitions included do not include many of the definitions agreed by the EASA ADR.003 Rulemaking Group. The UK CAA considers that those definitions developed by the ADR.003 group should be included where a term is used in the proposed regulation and its annexes and would welcome confirmation that this is the case.

Justification: Consistency and completeness

response

Noted

The definitions contained in the draft regulation are separate from those contained in the draft Decision for Certification Specification s and Guidance Material, as they have a different legal nature and are in fact part of two different sets of requirements (implementing rules v. Certification Specification s), which, however, emanate in their vast majority from Annex 14. In each set of requirements (implementing rules v. Certification Specification s), only the definitions of the terms that are actually met in the text appear. The Agency has reviewed the relevant texts to ensure that definitions repeated into these two different legal texts, are identical, in order to avoid any potential conflict.

In the few cases where a definition is slightly different from the ICAO one, this is due to the fact that a different definition exists in the basic Regulation, or that mature ICAO text has been taken into account.

comment

1742

comment by: UK CAA

Page No: 8**Paragraph No:** Article 2 - Definitions

Comment: Definition of 'Low visibility procedures' does not include normal CAT I.

Justification: Lower than standard CAT I and other than CAT II is defined but normal CAT I is missing.

Proposed Text: 'Low visibility procedures' means procedures applied at an aerodrome for the purpose of ensuring safe operations during lower than Standard Category I, Category I, other than Standard Category II, Category II and III conditions.

response *Not accepted*

LVPs do not include Category I.

comment

1837

comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

Article 2	Definition of ‚Aerodrome equipment‘: Add „and is safety relevant“ in the end	needs to be limited to safety relevant equipment.
Article 2	Make a cross reference of the defintions here to the relevant defintions in the other documents!	

response *Noted*

The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.

comment

1845

comment by: *Zürich Airport*

We do recommend that all definitions should be put together in one document and at the same place (instead of being placed in two different documents).

response *Noted*

The definitions contained in the draft regulation are separate from those contained in the draft Decision for Certification Specifications and Guidance Material, as they have a different legal nature and are in fact part of two different sets of requirements (implementing rules v. Certification Specifications), which, however, emanate in their vast majority from Annex 14.

In each set of requirements (implementing rules v. Certification Specifications), only the definitions of the terms that are actually met in the text appear. The Agency has reviewed the texts to ensure that definitions repeated into these two different legal texts, are identical, in order to avoid any potential conflict.

comment

1856

comment by: *Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH*

Definition of ‚Aerodrome equipment‘:
Add „and is safety relevant“ in the end

response

Noted

The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.

comment

1882

comment by: *East Midlands Airport - EMA/EGNX*

There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety"

EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We acknowledge this term is used in the Basic Regulation and the new rules have to reflect that. While an ELOS was appropriate in the domains previously subjected to EASA rulemaking we question if it is appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitative Risk Analysis as this is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety.

response

Noted

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment

1898

comment by: *Birmingham Airport - BHX/EGBB*

A definition of ELOS is required - a sensible definition in the Aerodrome context would be: "Description of a general solution, accepted by the authority, which is an alternative to one CS or a set of CS"

Justification: ELOS is referred to many times in the document and as such a flexible definition is essential.

response *Noted*

The proposed definition does not convey the meaning of equivalency which is contained in the Basic Regulation. Moreover, the Agency is of the view that this is a widely used term which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 – Appendix 3 – Technical Analysis).

comment

1914

comment by: *Aéroports De Lyon*

Définition d'un AMC Acceptable Means of Compliance: "AMCs are **non-binding standards**"

C'est faux car si l'exploitant ne répond pas à l'AMC, il devra fournir un "Alternative Means of Compliance" que son autorité devra approuver. Or si cette dernière ne l'approuve pas, l'exploitant se verra alors contraint d'appliquer l'"Acceptable Means of Compliance".

Solution proposée: Remplacer "should" par "may"

response

Noted

The definition of acceptable means of compliance states that 'Acceptable Means of Compliance (AMC) are non-binding standards adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules'.

The flexibility sought may be attained through the possibility for use of customised means of compliance by the interested party.

The fact that an authority approval for the use of alternative means of compliance is needed does not make the use of the relevant AMC binding. Such an approval aims at making sure that the intended way of compliance meets the requirements of the relevant binding rule. It is the responsibility of the applicant to demonstrate compliance with the relevant requirements in case the use of alternative AMC is sought.

comment

1943

comment by: *Aéroport de Marseille - MRS/LFML*

Aerodrome equipment : Even if this definition is already in the basic regulation, we consider that it is too much detailed and it would be better to describe the equipment as a whole than piece by piece.

We suggest the following writing :

"Aerodrome equipment shall mean any equipment, apparatus or appurtenance, ~~software or accessory~~, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome."

Apron management services :

Should be amended as follows: "Apron management service means a service provided to manage the activities **and/or** the movement of aircraft **and/or** vehicles on an apron".

There is not only one apron management service on a platform and there is a distribution between services with on one hand the management of aircrafts and on the other hand the management of vehicle activities on the apron. There is also a distribution by geographic areas of the platform. Moreover, police authorities are also involved in the management of vehicles on the apron.

Our proposal takes into account the different situations otherwise we would have to consider that there is only one apron management service on the platform.

Audit :

Should be amended as follows: "Audit means a systematic, independent and documented process for obtaining evidence and **based on facts assessments** to determine the extent to which requirements are complied with."

Instrument runway :

The EASA should take into account the conclusions of the ICAO's Approach classification task force which redefine the approach categories.

The case of GNSS is not clearly identified and it should be.

Low visibility procedure :

This definition comes from an EU OPS. It is therefore inappropriate.

This definition should be amended following the definition of the AMC-ADR-OPS.B.045 which is better in phase with reality : « low visibility procedures (LVP) means procedures applied to an aerodrome if movement of aircraft is permitted when the runway visual range (RVR) is less than 800 meters"

response

Noted

The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.

The definition of apron management services is already included in the Basic Regulation and therefore cannot be amended by an implementing rule. However, the way in which apron management services may be provided is not a matter of the definition itself, but rather a matter of the actual related requirements that will be developed, which could accommodate cases like the one presented in the comment. To this end, a dedicated rulemaking task will further detail the requirements for the provision of such services.

Moreover, the proposed audit definition is based on the relevant ISO definition.

With regard to the definition of instrument runway, the Agency follows the work of ICAO in the relevant field and tries to ensure that the proposed definitions reflect a mature text and that, when needed, they are aligned with other definitions in other areas.

Concerning the definition of LVP, the Agency considers that a harmonisation of the definition with other domains like flight operations and ATM is necessary.

comment

2083

comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

As a general remark, we would like to draw EASA's attention to the fact that definitions are not only to be found in Art. 2 but in many other sections (e.g. clearway in CS ADR DSN Book 1). They either should be consolidated in Art. 2 or at least references should be made.

In addition, definitions should be checked against their compatibility with respective ICAO definitions in Annex 14. Differences in this respect may cause problems in the international context and have to be avoided.

The term "**equivalent level of safety**" is being used throughout the NPA without any definition. Therefore, a respective definition should be added to Art. 2.

The terms "**lower than standard CAT I operation**" and "**other than standard CAT II operation**" do not add any value and should be deleted. CAT I, II and III are known operating conditions.

response

Noted

The definitions contained in the draft regulation are separate from those contained in the draft Decision for Certification Specifications and Guidance Material, as they have a different legal nature and are in fact part of two different sets of requirements (implementing rules v. Certification Specifications), which however emanate in their vast majority from Annex 14. In each set of requirements (implementing rules v. Certification Specifications), only the definitions of the terms that are actually met in the text appear. The Agency has reviewed the texts to ensure that definitions repeated into these two different legal texts, are identical, in order to avoid any potential conflict.

In the few cases where a definition is slightly different from the ICAO one, this is due to the fact that a different definition exists in the basic Regulation, or that mature ICAO text has been taken into account.

Moreover, the Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources.

Finally, the terms 'lower than standard CAT I operation' and 'other than standard CAT II operation' are needed as they related to the terms of approval of the certificate.

comment	<p>2191 comment by: CAA CZ</p> <p>Comment by Prague airport Article 2 Definitions Unify the use of units for definition of Decision Height. (Somewhere there are ft and m somewhere just ft)</p>
response	<p><i>Noted</i></p> <p>Please have a look at the definitions of approaches in the new drafts, where we are now using <i>m</i> and in brackets <i>ft</i>.</p>
comment	<p>2192 comment by: CAA CZ</p> <p>Comment by Karlovy Vary airport Article 2 Definitions Insert following definitions: Equivalent level of safety: Deviation Acceptance & Action Document: Instrument runway definition is placed between Audit and Certification specification, should be placed after Inspection definition</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the definitions to ensure that they are in alphabetical order. Moreover, the Agency is of the view that the term 'equivalent level of safety' is a widely used term, which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means. In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va</p>

without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources.

Finally, there is no need to give a definition for the 'deviation acceptance and action document', since the relevant article is quite precise.

comment 2193 comment by: *AESA - Agencia Estatal de Seguridad Aérea*
It's missed a definition for Guidance material similar to Acceptable Means of Compliance (AMC).

response *Noted*

The definitions contained in the draft regulation are definitions for the terms that are actually used in the text of the regulation. The term guidance material is not used in the regulation. However, a definition of guidance material is available in the EASA Management Board Decision No 01-2012.

comment 2206 comment by: *CAA CZ*
Comment by Karlovy Vary airport
To shorten and simplify the text we recommend implementation of the following abbreviations within the whole NPA:

AOR	Aerodrome operator
AMSP	Apron management services provider
ALTMC	Alternative means of compliance
CA or NAA/CAA	Competent Authority
QMS	Quality Management System

response *Noted*

The Agency is of the view that it is more appropriate to avoid introducing new abbreviations because it may cause confusion to the readers.

comment 2239 comment by: *Finnish Transport Safety Agency*
It is necessary to clarify the definition "Aerodrome equipment" to a further extend. The boundary between the ATS/ANS system and "aerodrome equipment" causes a lot of interpretations of the term "systems". Also the use of the term "equipment or installation required for air navigation purposes" are used in ICAO Annex 14, Volume I. (1296)

response *Noted*

The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome

equipment.

comment	2262	comment by: <i>Zürich Airport</i>
	<p>Non-instrument runway:</p> <p>There is no risk based justification for the fact that the design criteria for instrument runways are more demanding than the ones for non-instrument runways. On the contrary it has been demonstrated that instrument approaches and most notably precision approaches are safer than visual approaches. From a safety perspective it would therefore be detrimental if non-instrument runways would be limited to visual approaches only, as safety can be increased if an visual approach is replaced or amended by an instrument approach, even if it is not possible to meet the required design criteria for an instrument runway. Under no way it should be concluded that a runway meeting only the less stringent requirements for a non-instrument runway should only be used for visual approaches.</p>	
response	<p><i>Noted</i></p> <p>This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.</p>	
comment	2266	comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i>
	<p>Attachment #88</p> <p>ADBM - NPA 2011-20 (B.I) CR Art.2 "audit"</p> <p>Référence: audit</p> <p>Traduction de courtoisie</p> <p>Should be amended as follows: "Audit means a systematic, independent and documented process for obtaining evidence and based on facts assessments to determine the extent to which requirements are complied with."</p> <p>It's preferable not to use the word "objectively" which would always be discussed. The essential point for the audit is to be based on recognized facts.</p>	
response	<p><i>Noted</i></p> <p>The proposed definition is based on the relevant ISO definition.</p>	
comment	2278	comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i>
	<p>aerodrome equipment</p> <p>Even if this definition is already in the basic regulation, we consider that it is too much detailed and it would be better to describe the equipment as a whole than piece by piece.</p> <p>We suggest the following writing :</p> <p>"Aerodrome equipment shall mean any equipment, apparatus or appurtenance, software or accessory, that is used or intended to be used</p>	

to contribute to the operation of aircraft at an aerodrome.”

This definition goes too far and we will have a multitude of equipments. It will create unnecessary administrative burden and uncertainty about who does what. It would be better to keep only important equipments considering that they include software and accessories.

Apron management service:

Should be amended as follows: “Apron management service means a service provided to manage the activities **and/or** the movement of aircraft **and/or** vehicles on an apron”.

There is not only one apron management service on a platform and there is a distribution between services with on one hand the management of aircrafts and on the other hand the management of vehicle activities on the apron. There is also a distribution by geographic areas of the platform. Moreover, police authorities are also involved in the management of vehicles on the apron.

Our proposal takes into account the different situations otherwise we would have to consider that there is only one apron management service on the platform.

Audit

Should be amended as follows: “Audit means a systematic, independent and documented process for obtaining evidence and **based on facts assessments** to determine the extent to which requirements are complied with.”

It's preferable not to use **the word “objectively” which would always be discussed**. The essential point for the audit is to be based on recognized facts.

Instrument runway

The EASA should take into account the conclusions of the ICAO's Approach classification task force which redefine the approach categories. The case of GNSS is not clearly identified and it should be.

Low visibility procedure

This definition comes from an EU OPS. It is therefore inappropriate.

This definition should be amended following the definition of the AMC-ADR-OPS.B.045 which is better in phase with reality : « low visibility procedures (LVP) means procedures applied to an aerodrome if movement of aircraft is permitted when the runway visual range (RVR) is less than 550 meters”

Lower than standard category 1 operation

This definition should be deleted because it's pointless. It's better to refer only to the AMC.

Non instrument runway

We suggest :

- Either to take the terms of the ICAO Approach classification task force ;
- Or to add “only” as follows: “Non-instrument runway means a runway intended **only** for the operation of aircraft using visual approach procedures”.

Also, the GNSS procedures are not clearly identified.

The actual definitions will conduct to have runways considered at the same time as « instrument runways » and « non-instrument runways ». Indeed, the majority of instrument runways are also aimed to be used for visual approaches.

Considering the terms used, « instrument » and « non-instrument », we understand that it is about exclusive categories. However it will not be the case with such definitions even if they come from ICAO.

response

Noted

The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.

The definition of apron management services is already included in the Basic Regulation and therefore cannot be amended by an implementing rule. However, the way in which apron management services may be provided is not a matter of the definition itself, but rather a matter of the actual related requirements that will be developed, which could accommodate cases like the one presented in the comment. To this end, a dedicated rulemaking task will further detail the requirements for the provision of such services.

Moreover, the proposed audit definition is based on the relevant ISO definition.

For the definition of the LVP, a harmonisation on the definition across aerodromes, ATM and Flight Operations is necessary.

With regard to the proposal to have the definition of lower than standard Cat I as AMC, this is not possible since it is related to the terms of approval of the certificate.

With regard to the non-instrument runway definition, the Agency follows the relevant ICAO work in this area, which, however, has not been finalised.

With respect to the definition of instrument runway, the Agency follows the work of ICAO in the relevant field and tries to ensure that the proposed definitions reflect a mature text and that, when needed, they are aligned with other definitions in other areas.

comment

2287

comment by: *Aéroport Nantes Atlantique - NTE/LFRS*Attachment [#89](#)

UAF NPA 2011-20 (B.I) CR Art.2, "Lower than Standard Category I operation"

Référence: "Lower than Standard Category I operation"

Traduction de courtoisie
This definition should be deleted because it's pointless.
It's better to refer only to the AMC.

response

Noted

With regard to the proposal to have the definition of lower than standard Cat I as AMC, this is not possible since it is related to the terms of approval of the certificate.

comment

2290

comment by: *Aéroport Nantes Atlantique - NTE/LFRS*Attachment [#90](#)

UAF NPA 2011-20 (B.I) CR Art.2 "aerodrome equipment"

Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 — Appendix 3 — Technical Analysis).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources.

comment	<p>2336 <i>comment by: LJL Airport - Liverpool John Lennon Airport</i></p> <p>There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety"</p>
response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means. In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis. The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774). Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.</p>
comment	<p>2337 <i>comment by: Dublin Airport Authority</i></p> <p>No definition is provided in respect of the terms: SHALL / SHOULD / MAY used extensively throughout the documentation of the NPA. The addition and context of the word: "MAY" with regard to compliance must be defined</p>

	to avoid confusion.
response	<p><i>Noted</i></p> <p>With regard to the use of the words shall/should/may, it should be noted that these rules do not follow the logic of ICAO texts where different verbs are used for standards and recommended practices. This issue is addressed via the relevant definitions instead.</p>
comment	<p>2338 comment by: <i>Dublin Airport Authority</i></p> <p>Definition of "Audit" is very limited. It does not allow for the differences between external and internal audit.</p>
response	<p><i>Noted</i></p> <p>With regard to the definition of an audit, the Agency's proposed definition is based on the ISO definition, which is believed to cover both internal and external audits.</p>
comment	<p>2474 comment by: <i>Shannon Airport</i></p> <p>EASA has used the term – 'Equivalent Level of Safety (ELOS)' throughout the NPA. While an ELOS was appropriate in other areas of Aviation Safety, it is inappropriate in the aerodrome domain. Demonstration of an ELOS requires a quantitative risk analysis as this is the only method of providing evidence of achieving equivalence. The majority of risk assessments undertaken at Aerodromes are qualitative in nature and such a requirement, without being proper definition in the context of aerodrome operations, could place a significant burden in terms of both costs and resourcing.</p> <p>ELOS should be defined and note that this does not specifically require a quantitative risk analysis to be performed.</p> <p>ACI Europe EASA Taskforce has suggested the following as a proposed definition:</p> <p>"Description of a general solution, accepted by the competent authority, which is proposed as an alternative to a Certification Specification or a set of Certification Specifications."</p> <p>DAA would support the adoption of such a generally flexible definition.</p> <p>No definition is provided in respect of the terms: SHALL / SHOULD / MAY used extensively throughout the documentation of the NPA. The addition and context of the word: "MAY" with regard to compliance must be defined to avoid confusion.</p> <p>Definition of "Audit" is very limited. It does not allow for the differences between external and internal audit.</p>
response	<p><i>Noted</i></p> <p>The proposed definition does not convey the meaning of equivalency, which is contained in the Basic Regulation. Moreover, the Agency is of the view that this is a widely used term, which does not need to be further defined.</p>

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 – Appendix 3 – Technical Analysis).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources.

With regard to the use of the words shall/should/may, it should be noted that these rules do not follow the logic of ICAO texts where different verbs are used for standards and recommended practices. This issue is addressed via the relevant definitions instead.

comment

2547

comment by: AENA - Aeropuertos Españoles y Navegación Aérea

There is no definition for ELOS, but this notion is very important. The following definition is proposed, based on the content of the Explanatory Note page 8 which provides a definition.

It is consequently proposed to add in article 2:

"Equivalent level of safety (ELOS): description of a solution which demonstrates that the intent(s) of the concerned certification specification(s) is (are) met and which is accepted by the competent authority."

This comment is **critical**, as the drafted rules are confusing on this subject.

When low visibility conditions occur, low visibility operations are activated. According to PANS-ATM (ICAO Doc 4444 – paragraph 7.12.3): "Low visibility operations shall be initiated by or through the aerodrome control tower."

Concerning low visibility, Annex 14 Volume 1 only deals with procedures to be implemented by the aerodrome operator during low visibility conditions.

As a conclusion: ATM is in charge of initiating low visibility operations. Once these low visibility operations initiated, the aerodrome operator has to implement adequate procedures.

Consequently, the definition given in the cover regulation (p8) for "low visibility procedures" is not needed and even brings confusion between the aerodrome operator's procedures and the air navigation service provider's procedures. This definition is not an ICAO Annex 14 volume 1 (which does not use "Standard category I to III") and is an ATM definition: aerodrome operators are dealing with "procedures in low visibility conditions" or

"procedures during low visibility operations". Their goal is to permit the implementation of LVP on the aerodrome in low visibility conditions that are when the RVR is less than 550 meters or when asked by the ANSP.

The wording of the implementing rule ADR-OPS.B.045 ("procedures for aerodrome operations in low visibility conditions") reflects correctly this duality and should be taken for the AMC. the definition of LVP should be deleted from the Cover Regulation to avoid confusion.

Therefore It is proposed:

· Article 2 of the cover regulation:

~~"Low visibility procedures' means procedures applied at an aerodrome for the purpose of ensuring safe operations during lower than Standard Category I, other than Standard Category II, Category II and III conditions.~~

~~'Lower than Standard Category I operation' means a Category I instrument approach and landing operation using Category I Decision Height, with an RVR lower than would normally be associated with the applicable Decision Height but not lower than 400 m.~~

~~[...]~~

~~'Other than Standard Category II operation' means a precision instrument approach and landing operation using ILS or MLS where some or all of the elements of the precision approach Category II light system are not available, and with:~~

~~– Decision Height (DH) below 200 ft but not lower than 100 ft; and~~

~~– Runway Visual Range (RVR) of not less than 350 m."~~

Sometimes the area manage by the Apron management servies is not exactly de apron therefore we propose this editorial change.

"Apron management servie" means a service provided to manage the activities and the movement of aircraft and vehicles on apron **the area defined by the aerodrome operator.**

response *Noted*

The proposed definition does not convey the meaning of equivalency which is contained in the Basic Regulation. Moreover, the Agency is of the view that this is a widely used term which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc

9774 — Appendix 3 — Technical Analysis).
 Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources.
 With regard to the definition of LVPs, the term should be harmonised across the domains of aerodromes, ATM and flight operations.
 Moreover, the definition of apron management services is already included in the Basic Regulation and therefore cannot be amended by an implementing rule. However, the way in which apron management services may be provided is not a matter of the definition itself, but rather a matter of the actual related requirements that will be developed, which could accommodate cases like the one presented in the comment, provided they are compatible with the definition. To this end, a dedicated rulemaking task will further detail the requirements for the provision of such services.

comment	<p>2585 comment by: <i>Lugano Airport</i></p> <p>Definition of "Non-instrument RWY" is unacceptable for Lugano Airport</p> <p>Enforce this regulation would have as consequence to: "CLOSE THE AIRPORT"</p> <p>Once again unaccetable!!</p> <p>PROPOSED TEXT</p> <p>"A runway intended for landing operations of aircraft using visual approach procedures or an instrument approach procedure according to conditions to be determined by the airport operator in accordance with the competent NAA".</p>
response	<p><i>Noted</i></p> <p>This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which however has not been finalised.</p>
comment	<p>2586 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 6</p> <p>Paragraph No: Article 2 - Definitions</p> <p>Comment: There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety"</p> <p>Justification: EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We acknowledge this term is used in the Basic Regulation and the new rules have to reflect that. While an ELOS was appropriate in the domains previously subjected to EASA rulemaking we question if it is appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitive Risk Analysis as this is the only way you can provide evidence of achieving equivalence. Most risk assessments</p>

undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather than an Equivalent Level of Safety.

response *Noted*

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment 2649 comment by: *HIA - Highlands and Islands Airports Limited*

A number of items are mentioned in the text but their definitions are missing eg Equivalent Level of Safety, Helicopter Movement, Runway Excursion, Runway Incursion.

Equivalent level of safety should be defined as acceptable level of safety.

response *Noted*

As a general principle, definitions are included in a Regulation only if the terms are used in the actual text of the Regulation.

With regard to the definition of 'equivalent level of safety', this is a widely used term, which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification

Specification involved and may also involve procedural means. In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis. The term is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774). Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources.

comment

2799

comment by: *Vereinigung der Dienstleister an Deutschen Flughäfen e.V. (VDF)*

There is no definition given what is meant by "ground handling" or "ground handling services". This would be in so far important as on 1st December 2011 the European Commission has launched the "airport package" where ground handling plays an important role and where there is a detailed specification given what is understood by "ground handling". Also the Council Directive 96/67/EC states which services are understood by "ground handling".

response

Noted

The Agency is of the view that it is not necessary to define ground handling services. This is because Directive 96/67 focuses on ground handling market access issues and therefore in this context ground handling services needed to be defined. The Agency follows the relevant work in this field.

comment

2807

comment by: *Aberdeen Airport Airside Operations*

There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety"

EASA has used the term Equivalent Level of Safety (ELoS) throughout the new rules. We understand this is because the term is used in the Basic regulation and the new rules have to reflect the basic regulation. Whereas ELoS was appropriate in the domains previously subjected to rulemaking. We believe it not appropriate in the aerodrome domain. Demonstration of an ELoS requires a Quantitative Risk Analysis. This is the only way that you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELoS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELoS represents an Acceptable Level of Safety rather than an equivalent level of safety

response

Noted

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment

2818

comment by: *Flughafen Klagenfurt*

Need for a definition of the equivalent level of safety.

This term is found throughout the document and a clear definition would be needed in order to understand what is meant by this.

Some definitions are not consistent with ICAO definitions. They should be aligned so as to present the same understanding globally.

Difference in definitions across the regulatory systems can create confusion and misunderstanding on a global scale.

response

Noted

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s)

which would otherwise be part of the certification basis.
 It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 — Appendix 3 — Technical Analysis).
 The definitions used are based on Annex 14 or the Basic Regulation. However, in some cases effort has been made to enhance a definition in order to reflect reality or to accommodate upcoming changes to Annex 14 (e.g. in the definition of precision approach runway there is no specific mention to ILS/MLS but rather to non-visual aids).

comment 2821 comment by: *Norwich International Airport*

There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety"

EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We acknowledge this term is used in the Basic Regulation and the new rules have to reflect that. While an ELOS was appropriate in the domains previously subjected to EASA rulemaking we question if it is appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitative Risk Analysis as this is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety

response *Noted*

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the

view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment	<p>2854 comment by: <i>IDRF e.V. (association of regional airports)</i></p> <p>Despite ELOS is an often used term, it is not defined.</p> <p>ICAO Annex 14, 1.5.2 requires the States to establish an acceptable level of safety to be achieved. It is essential to follow this requirement on a common way in order to achieve the aim of this regulation on hand.</p>
response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.</p> <p>The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.</p> <p>In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.</p> <p>The term is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).</p> <p>Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources.</p> <p>The Annex 14 provision for the establishment of an acceptable level of safety will be dealt with in the future.</p>
comment	<p>2856 comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i></p> <p>Article 2. There is no definition of the ELoS - Equivalent Level of Safety.</p> <p>In the aerodrome domain this should be defined as an "Acceptable Level of Safety". EASA has used the term Equivalent Level of Safety (ELoS) throughout the new rules. We understand this is because the term is used in the Basic Regulation and the new rules have to reflect the basic regulation.</p> <p>Whereas an ELoS was appropriate in the domains previously subjected to rulemaking. We believe it is not appropriate in the aerodrome domain. Demonstration of an ELoS requires a Quantitive Risk Analysis. This is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELoS cannot be achieved without</p>

	<p>significant demands on cost and resource.</p> <p>It must be understood by EASA that in the aerodrome domain, the Term ELoS represents an Acceptable Level of Safety rather than an Equivalent Level of Safety.</p>
response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.</p> <p>The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.</p> <p>In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.</p> <p>The term, as correctly stated in the comment, is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).</p> <p>Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELoS' and 'ALoS' have the same meaning.</p>
comment	<p>2901 comment by: <i>Southampton Airport</i></p> <p>There is no definition of the ELoS - Equivalent level of Safety. In the aerodrome domain this should be defined as an 'Acceptable Level of Safety'</p>
response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.</p> <p>The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.</p> <p>In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s)</p>

which would otherwise be part of the certification basis.
 The term is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).
 Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment

2950

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

<u>Référence: aerodrome equipment</u>	"Aerodrome equipment shall mean any equipment, apparatus, appurtenance, software or accessory, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome."
Proposition/commentaire	Bien que cette définition soit déjà dans le règlement de base, nous estimons que pour les aérodromes, elle va trop loin dans les détails et qu'il vaut mieux considérer l'équipement dans son ensemble et non pas pièce par pièce. Nous proposons la rédaction suivante : "Aerodrome equipment shall mean any equipment, apparatus or appurtenance, software or accessory , that is used or intended to be used to contribute to the operation of aircraft at an aerodrome."
Justification	Avec une définition allant aussi loin nous allons avoir une multitude d'équipements et même des équipements inclus dans d'autres équipements. Cela va générer non seulement des lourdeurs administratives et également une confusion dans le « qui fait quoi ». Il est préférable de ne conserver que les équipements d'une certaine importance considérant que les logiciels et les accessoires font partie de ces équipements.
Traduction de courtoisie	Even if this definition is already in the basic regulation, we consider that it is too much detailed and it would be better to describe the equipment as a whole than piece by piece. We suggest the following writing : "Aerodrome equipment shall mean any equipment, apparatus or appurtenance, software or accessory , that is used or

	<p>intended to be used to contribute to the operation of aircraft at an aerodrome.”</p> <p>This definition goes too far and we will have a multitude of equipments. It will create unnecessary administrative burden and uncertainty about who does what. It would be better to keep only important equipments considering that they include software and accessories.</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.</p>

comment	<p>2951 comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i></p>
Référence: apron management service	<p>“Apron management service means a service provided to manage the activities and the movement of aircraft and vehicles on an apron”.</p>
Propositions/commentaires	<p>Il convient de modifier de la manière suivante: “Apron management service means a service provided to manage the activities and/or the movement of aircraft and/or vehicles on an apron”.</p>
Justification	<p>Il est à considérer qu’il n’existe pas toujours qu’un seul service de gestion de l’aire de stationnement (« apron management service ») sur une plateforme et qu’il existe une répartition entre services pour d’un côté la gestion des mouvements d’aéronefs et de l’autre la gestion des véhicules sur l’aire de trafic. Il existe également une répartition par aire géographique de l’aire de trafic. Par ailleurs les autorités de police ont également un rôle dans la gestion des véhicules sur l’aire de trafic.</p> <p>La proposition que nous formulons permet de prendre en considération les différents cas de figure, autrement nous ne pourrions considérer qu’un unique service de gestion de l’aire de trafic sur la plateforme.</p>
Traduction de courtoisie	<p>Should be amended as follows: “Apron management service means a service provided to manage the activities and/or the movement of aircraft and/or vehicles on an apron”.</p>

	<p>There is not only one apron management service on a platform and there is a distribution between services with on one hand the management of aircrafts and on the other hand the management of vehicle activities on the apron. There is also a distribution by geographic areas of the platform.</p> <p>Moreover, police authorities are also involved in the management of vehicles on the apron.</p> <p>Our proposal takes into account the different situations otherwise we would have to consider that there is only one apron management service on the platform.</p>
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response *Noted*

The definition of apron management services is already included in the Basic Regulation and therefore cannot be amended by an implementing rule. However, the way in which apron management services may be provided is not a matter of the definition itself, but rather a matter of the actual related requirements that will be developed, which could accommodate cases like the one presented in the comment. To this end, a dedicated rulemaking task will further detail the requirements for the provision of such services.

comment 2952 comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: audit	"Audit means a systematic, independent and documented process for obtaining evidence and evaluating it objectively to determine the extent to which requirements are complied with."
Proposition/commentaire	Il convient de modifier la manière suivante: "Audit means a systematic, independent and documented process for obtaining evidence and based on facts assessments to determine the extent to which requirements are complied with."
Justification	Il est préférable de ne pas utiliser le terme "objectively" qui est toujours sujet à controverse. L'élément essentiel est que l'audit doit se fonder sur des faits avérés.
Traduction de courtoisie	<p>Should be amended as follows: "Audit means a systematic, independent and documented process for obtaining evidence and based on facts assessments to determine the extent to which requirements are complied with."</p> <p>It's preferable not to use the word "objectively" which would always be</p>

	discussed. The essential point for the audit is to be based on recognized facts.
response	<p><i>Noted</i></p> <p>The proposed definition is based on the relevant ISO definition.</p>

comment	2953	comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>								
	<table border="1"> <tr> <td>Référence: instrument runway</td> <td>"Instrument runway means one of the following types of runways [...] intended for operations with no decision height and no runway visual range limitations."</td> </tr> <tr> <td>Proposition/commentaire</td> <td>L'AESA devrait prendre en compte les conclusions de l'Approach classification task force de l'OACI qui redéfinissent les catégories d'approche. Le cas des approches GNSS n'est pas clairement identifié et devrait l'être.</td> </tr> <tr> <td>Justification</td> <td></td> </tr> <tr> <td>Traduction de courtoisie</td> <td>The EASA should take into account the conclusions of the ICAO's Approach classification task force which redefine the approach categories. The case of GNSS is not clearly identified and it should be.</td> </tr> </table>	Référence: instrument runway	"Instrument runway means one of the following types of runways [...] intended for operations with no decision height and no runway visual range limitations."	Proposition/commentaire	L'AESA devrait prendre en compte les conclusions de l'Approach classification task force de l'OACI qui redéfinissent les catégories d'approche. Le cas des approches GNSS n'est pas clairement identifié et devrait l'être.	Justification		Traduction de courtoisie	The EASA should take into account the conclusions of the ICAO's Approach classification task force which redefine the approach categories. The case of GNSS is not clearly identified and it should be.	
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Justification										
Traduction de courtoisie	The EASA should take into account the conclusions of the ICAO's Approach classification task force which redefine the approach categories. The case of GNSS is not clearly identified and it should be.									
response	<p><i>Noted</i></p> <p>The Agency follows the work of ICAO in the relevant field and tries to ensure that the proposed definitions reflect a mature text and that, when needed, they are aligned with other definitions in other areas.</p>									

comment	2955	comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>						
	<table border="1"> <tr> <td>Référence: low visibility procedure</td> <td>"Low visibility procedures means procedures applied at an aerodrome for the purpose of ensuring safe operations during lower than Standard Category I, other than Standard Category II, Category II and III conditions."</td> </tr> <tr> <td>Proposition/commentaire</td> <td>Il convient de modifier cette définition en reprenant la définition qui est dans l'AMC-ADR-OPS.B.045 qui correspond mieux à la réalité ce qui donnerait : « « les procédures par basse visibilité » signifie les procédures appliquées sur un aérodrome quand il y a des mouvements d'aéronefs permis lorsque la portée visuelle de piste est inférieure à 550 mètres. »</td> </tr> <tr> <td>Justification</td> <td>Cette définition provient d'un EU OPS. Elle est par conséquent inadaptée aux aérodromes.</td> </tr> </table>	Référence: low visibility procedure	"Low visibility procedures means procedures applied at an aerodrome for the purpose of ensuring safe operations during lower than Standard Category I, other than Standard Category II, Category II and III conditions."	Proposition/commentaire	Il convient de modifier cette définition en reprenant la définition qui est dans l'AMC-ADR-OPS.B.045 qui correspond mieux à la réalité ce qui donnerait : « « les procédures par basse visibilité » signifie les procédures appliquées sur un aérodrome quand il y a des mouvements d'aéronefs permis lorsque la portée visuelle de piste est inférieure à 550 mètres. »	Justification	Cette définition provient d'un EU OPS. Elle est par conséquent inadaptée aux aérodromes.	
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Justification	Cette définition provient d'un EU OPS. Elle est par conséquent inadaptée aux aérodromes.							

Traduction de courtoisie	This definition comes from an EU OPS. It is therefore inappropriate.
	This definition should be amended following the definition of the AMC-ADR-OPS.B.045 which is better in phase with reality : « low visibility procedures (LVP) means procedures applied to an aerodrome if movement of aircraft is permitted when the runway visual range (RVR) is less than 550 meters”

response *Noted*

There should be a harmonisation of the definition with other domains like flight operations and ATM.

comment

2956

comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: low visibility procedure	“Low visibility procedures means procedures applied at an aerodrome for the purpose of ensuring safe operations during lower than Standard Category I, other than Standard Category II, Category II and III conditions.”
Proposition/commentaire	Il convient de modifier cette définition en reprenant la définition qui est dans l’AMC-ADR-OPS.B.045 qui correspond mieux à la réalité ce qui donnerait : « « les procédures par basse visibilité » signifie les procédures appliquées sur un aérodrome quand il y a des mouvements d’aéronefs permis lorsque la portée visuelle de piste est inférieure à 550 mètres. »
Justification	Cette définition provient d’un EU OPS. Elle est par conséquent inadaptée aux aérodromes.
Traduction de courtoisie	This definition comes from an EU OPS. It is therefore inappropriate.
	This definition should be amended following the definition of the AMC-ADR-OPS.B.045 which is better in phase with reality : « low visibility procedures (LVP) means procedures applied to an aerodrome if movement of aircraft is permitted when the runway visual range (RVR) is less than 550 meters”

response *Noted*

There should be a harmonisation of the definition with other domains like flight operations and ATM.

comment 2957 comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: "Lower than Standard Category I operation"	"Lower than Standard Category I operation means a Category I instrument approach and landing operation using Category I Decision Height, with an RVR lower than would normally be associated with the applicable Decision Height but not lower than 400 m."
Proposition/commentaire	Cette définition devrait être supprimée.
Justification	Elle ne se retrouve pas dans le corps du texte. Elle est inutile. Mieux vaut se référer uniquement à l'AMC.
Traduction de courtoisie	This definition should be deleted because it's pointless. It's better to refer only to the AMC.

response *Noted*

The definition cannot be at AMC level, since it is related to the terms of approval of the certificate.

comment 2961 comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: "Non-instrument runway"	"Non-instrument runway means a runway intended for the operation of aircraft using visual approach procedures".
Proposition/commentaire	Il est proposé: - Soit de reprendre les termes de l'Approach classification task force de l'OACI ; - Soit d'ajouter "only" comme suit: "Non-instrument runway means a runway intended only for the operation of aircraft using visual approach procedures". Par ailleurs, le cas des procédures GNSS n'est pas clairement identifié.
Justification	Si nous reprenons les définitions telles qu'écrites, nous allons avoir des pistes, considérées comme des infrastructures, qui seront à la fois « instrument runways » et « non-instrument runways ».

	<p>En effet la grande majorité des pistes aux instruments sont également destinées à être utilisées pour des procédures d’approches à vue. Vu les termes utilisés, « instrument » et « non-instrument », il est compris qu’il s’agit de catégories exclusives. Or, cela ne sera pas le cas avec de telles définitions qui, certes, proviennent de l’OACI.</p>
<p>Traduction de courtoisie</p>	<p>We suggest :</p> <ul style="list-style-type: none"> - Either to take the terms of the ICAO Approach classification task force ; - Or to add “only” as follows: “Non-instrument runway means a runway intended only for the operation of aircraft using visual approach procedures”. <p>Also, the GNSS procedures are not clearly identified.</p> <p>The actual definitions will conduct to have runways considered at the same time as « instrument runways » and « non-instrument runways ».</p> <p>Indeed, the majority of instrument runways are also aimed to be used for visual approaches. Considering the terms used, « instrument » and « non-instrument », we understand that it is about exclusive categories. However it will not be the case with such definitions even if they come from ICAO.</p>

response

Noted

This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.

comment

2962

comment by: ACA - Aéroports de la Côte d’Azur - NCE/LFMN

<p>Référence: “Non-instrument runway”</p>	<p>“Non-instrument runway means a runway intended for the operation of aircraft using visual approach procedures”.</p>
<p>Proposition/commentaire</p>	<p>Il est proposé:</p> <ul style="list-style-type: none"> - Soit de reprendre les termes de l’Approach classification task force de l’OACI ; - Soit d’ajouter “only” comme suit: “Non-instrument runway means a runway intended only for the operation of aircraft

	<p>using visual approach procedures”.</p> <p>Par ailleurs, le cas des procédures GNSS n’est pas clairement identifié.</p>
Justification	<p>Si nous reprenons les définitions telles qu’écrites, nous allons avoir des pistes, considérées comme des infrastructures, qui seront à la fois « instrument runways » et « non-instrument runways ».</p> <p>En effet la grande majorité des pistes aux instruments sont également destinées à être utilisées pour des procédures d’approches à vue.</p> <p>Vu les termes utilisés, « instrument » et « non-instrument », il est compris qu’il s’agit de catégories exclusives. Or, cela ne sera pas le cas avec de telles définitions qui, certes, proviennent de l’OACI.</p>
Traduction de courtoisie	<p>We suggest :</p> <ul style="list-style-type: none"> - Either to take the terms of the ICAO Approach classification task force ; - Or to add “only”as follows: “Non-instrument runway means a runway intended only for the operation of aircraft using visual approach procedures”. <p>Also, the GNSS procedures are not clearly identified.</p> <p>The actual definitions will conduct to have runways considered at the same time as « instrument runways » and « non-instrument runways ».</p> <p>Indeed, the majority of instrument runways are also aimed to be used for visual approaches.</p> <p>Considering the terms used, « instrument » and « non-instrument », we understand that it is about exclusive categories. However it will not be the case with such definitions even if they come from ICAO.</p>

response *Noted*

This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.

comment 2974

comment by: *DAA Cork Airport*

Definition of "Audit" is very limited. It does not allow for the differences between external and internal audit.

response	<p><i>Noted</i></p> <p>The proposed definition is based on the relevant ISO definition, which is believed to cover both internal and external audits.</p>
comment	<p>2992 comment by: <i>Roskilde Airport</i></p> <p>Roskilde Airport (EKRK): We suggest to add a definition for a "Service area" within the aerodrome: "Service area is a defined area outside the movement area, solely intended for parking and maintenance of A/C, and where boarding/debarking of commercial passengers is not allowed". Justification: On GA aerodromes like EKRK, with much maintenance activity, and where the layout necessitates that "civilian" cars etc. share some paved areas (like roads to/between hangars) with A/C, it is highly impractical and costly to require "Airside area driving" training, and marking of cars (beacons) to all persons/vehicles with a need to move in said area.</p>
response	<p><i>Not accepted</i></p> <p>The definition of apron already covers the purpose described in the suggestion.</p>
comment	<p>3016 comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i></p> <p>As a general remark, we would like to draw EASA's attention to the fact that definitions are not only to be found in Art. 2 but in many other sections (e.g. clearway in CS ADR DSN Book 1). They either should be consolidated in Art. 2 or at least references should be made. In addition, definitions should be checked against their compatibility with respective ICAO definitions in Annex 14. Differences in this respect may cause problems in the international context and have to be avoided. The term "equivalent level of safety" is being used throughout the NPA without any definition. Therefore, a respective definition should be added to Art. 2.</p> <p>The definition of "low visibility procedures" creates some misunderstanding as for the scope of the NPA: These procedures are being specifically developed by the ANSP only. Accordingly, the terms "lower than standard CAT I operation" and "other than standard CAT II operation" do not add any value since these are known operating conditions (in addition, these topics are not even Annex 14 issues). However, as the aerodrome operator establishes procedures for aerodrome operations under low visibility conditions, the wording of the definitions and the respective implementing rules should reflect this aspect to respect the scope of the NPA.</p>
response	<p><i>Noted</i></p> <p>The definitions used are based on Annex 14 or the Basic Regulation. However, in some cases effort has been made to enhance a definition in order to reflect reality or to accommodate upcoming changes to Annex 14 (e.g. in the definition of precision approach runway there is no specific mention to ILS/MLS but rather to non-visual aids). With regard to the use of term of 'equivalent level of safety', the Agency is</p>

of the view that it is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 — Appendix 3 — Technical Analysis).

comment

3094

comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*

We believe that Equivalent Level of Safety ELOS is not appropriate in the aerodrome domain even though it may previously have been used in rulemaking.

An Acceptable Level of Safety ALOS is dominant in the filed of aerodromes, also according to ICAO. Parallels can also be found in Risk Assessments, for example Acceptable Risk. ELOS would be, in the majority of cases very difficult to define, let alone measure and would place an undue burden on resources without increasing safety.

response

Noted

The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

The term is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774).

Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not

necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.

comment 3095 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
consolidate all definitions in one document or cross reference to other documents

response *Noted*
The definitions included in one legal text, such as this draft Regulation, are to be found also in the actual text of the Regulation. The same principle applies for the case of the draft Decision for the Certification Specifications. Therefore, consolidating all definitions at implementing rule level or cross-referring to different texts is not in line with the above principle.

comment 3096 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
Many definitions are not consistent with ICAO. Why deviate from terminology that is well known and understood throughout the world? Such differences will quickly cause confusion and in a worse case can be dangerous.

response *Noted*
The definitions used are based on Annex 14 or the Basic Regulation. However, in some cases effort has been made to enhance a definition in order to reflect reality or to accommodate upcoming changes to Annex 14 (e.g. in the definition of precision approach runway there is no specific mention to ILS/MLS but rather to non-visual aids).

comment 3097 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
The definition of a Non-Instrument Runway is not acceptable. It completely ignores current accepted practice and the new technology already in place, not only in Europe but in other parts of the world as well. NAA's must have the authority to rule on such situations as they see fit and taking into consideration the individual circumstances surrounding each individual aerodrome.

response *Noted*
This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.

comment 3109 comment by: *Isavia*
Article 2. There is no definition of the ELoS - Equivalent Level of Safety. In the aerodrome domain this should be defined as an "Acceptable Level of Safety". EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We understand this is because the term is used in the Basic Regulation and the new rules have to reflect the basic regulation. Whereas an ELOS was appropriate in the domains previously subjected to rulemaking. We believe it is not appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitative Risk Analysis.

	<p>This is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather than an Equivalent Level of Safety.</p>
response	<p><i>Noted</i></p> <p>The Agency is of the view that the term 'equivalent level of safety' is a widely used term which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means. In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis. The term is used in the Basic Regulation and more specifically in the paragraph dealing with the development of the certification basis of the aerodrome. Therefore, the implementing rules have to follow the logic and the legal content of the Basic Regulation. Moreover, the term is also used in related ICAO documents, including the aerodrome certification manual (ICAO Doc 9774). Demonstration of an equivalent level of safety may also be based on engineering judgement or other methodologies etc., which do not necessarily require more resources. Finally, the Agency does not share the view that the terms 'ELOS' and 'ALOS' have the same meaning.</p>
comment	<p>3254 comment by: CAA SR</p> <p>Add definition of "Just Culture" - ref. ADR.OR.D.030 — Safety reporting system</p>
response	<p><i>Noted</i></p> <p>Instead of a definition of 'Just Culture', the Agency has provided relevant guidance material to be used for its implementation.</p>
comment	<p>3346 comment by: ADV -German Airports Association</p> <p>Comment Definition of 'Aerodrome equipment': Add „and is safety relevant" in the end</p> <p>Justification needs to be limited to safety relevant equipment.</p>
response	<p><i>Noted</i></p>

The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.

comment 3347 comment by: *ADV -German Airports Association*

Comment

Make a cross reference of the definitions here to the relevant definitions in the other documents!

response *Noted*

The definitions included in one legal text, such as this draft Regulation, are to be found also in the actual text of the Regulation. The same principle applies for the case of the draft Decision for the Certification Specifications. Therefore, consolidating all definitions at implementing rule level or cross-referring to different texts is not in line with the above principle.

comment 3350 comment by: *MST / STR - Stuttgart Airport*

Comment

Definition of 'Aerodrome equipment':
Add „and is safety relevant“ in the end

Justification

needs to be limited to safety relevant equipment.

response *Noted*

The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.

comment 3351 comment by: *MST / STR - Stuttgart Airport*

Make a cross reference of the definitions here to the relevant definitions in the other documents!

response *Noted*

The definitions included in one legal text, such as this draft Regulation, are to be found also in the actual text of the Regulation. The same principle applies for the case of the draft Decision for the Certification Specifications. Therefore, consolidating all definitions at implementing rule level or cross-referring to different texts is not in line with the above principle.

comment 3443 comment by: *Fraport AG*

Editorial

Fraport

AG:

Make a cross reference of the definitions here to the relevant definitions in the other documents!

response	<p><i>Noted</i></p> <p>The definitions included in one legal text, such as this draft Regulation, are to be found also in the actual text of the Regulation. The same principle applies for the case of the draft Decision for the Certification Specifications. Therefore, consolidating all definitions at implementing rule level or cross-referring to different texts is not in line with the above principle.</p>
comment	<p>3444 comment by: <i>Fraport AG</i></p> <p>Question</p> <p>Fraport AG: Not all definitions of ICAO are implemented - Explanation why only selected definitions are in.</p>
response	<p><i>Noted</i></p> <p>The definitions contained in the draft regulation are separate from those contained in the draft Decision for Certification Specifications and guidance material, as they have a different legal nature and are in fact part of two different sets of requirements (implementing rules v. Certification Specifications), which, however, emanate in their vast majority from Annex 14. In each set of requirements (implementing rules v. Certification Specifications), only the definitions of the terms that are actually met in the text appear. The Agency has reviewed the texts to ensure that definitions repeated into these two different legal texts, are identical, in order to avoid any potential conflict.</p> <p>In the few cases where a definition is slightly different from the ICAO one, this is due to the fact that a different definition exists in the basic Regulation, or that mature ICAO text has been taken into account.</p>
comment	<p>3445 comment by: <i>Fraport AG</i></p> <p>Editorial</p> <p>'Instrument runway' means one of the following types of runways intended for the operation of aircraft using instrument approach procedures:</p> <p>Fraport AG: wrong alphabetic order; move into right order to page 9.</p>
response	<p><i>Accepted</i></p> <p>The Agency has reviewed all definitions to ensure they are in alphabetical order.</p>
comment	<p>3446 comment by: <i>Fraport AG</i></p> <p>Editorial</p> <p>Definition for "ELOS" : "Description of a general solution, accepted by the authority, which is proposed as an alternative to one CS or a set of CS.</p> <p>Fraport AG: ELOS is mentioned repeatedly in the document and therefore we see the need for a flexible definition of ELOS!</p>

response

Noted

The proposed definition does not convey the meaning of equivalency which is contained in the Basic Regulation. Moreover, the Agency is of the view that this is a widely used term which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means. In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis. It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 — Appendix 3 — Technical Analysis).

comment

3447

comment by: *Fraport AG*

Editorial

'Non-instrument runway' means a runway intended for the operation of aircraft using visual approach procedures.

Proposed

Text

"Non instrument runway" means a runway intended for landing operations of aircraft using visual approach procedures or an Instrument approach procedure according to conditions to be determined by the competent authority or a runway only used for takeoff.

Fraport

AG:

It is important to ensure customized compliance according to the specific circumstances of the Airport. ICAO also recognized the need for a change and is currently working on a wording with regard to this.

response

Noted

This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which however has not been finalised.

comment

3566

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*Attachment [#91](#)

ADBM - NPA 2011-20 (B.I) CR Art.2 "aerodrome equipment"

Référence:

aerodrome

equipment

Traduction

de

courtoisie

	<p>Even if this definition is already in the basic regulation, we consider that it is too much detailed and it would be better to describe the equipment as a whole than piece by piece. We suggest the following writing : "Aerodrome equipment shall mean any equipment, apparatus or appurtenance, software or accessory, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome." This definition goes too far and we will have a multitude of equipments. It will create unnecessary administrative burden and uncertainty about who does what. It would be better to keep only important equipments considering that they include software and accessories.</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already included in Article 3 of the Basic Regulation and cannot be amended by an implementing rule. A future rulemaking task will deal further with the issue of aerodrome equipment.</p>
comment	<p>3567 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #92</p> <p>ADBM - NPA 2011-20 (B.I) CR Art.2 "apron management service"</p> <p>Référence: apron management service</p> <p>Traduction de courtoisie</p> <p>Should be amended as follows: "Apron management service means a service provided to manage the activities and/or the movement of aircraft and/or vehicles on an apron".</p> <p>There is not only one apron management service on a platform and there is a distribution between services with on one hand the management of aircrafts and on the other hand the management of vehicle activities on the apron. There is also a distribution by geographic areas of the platform. Moreover, police authorities are also involved in the management of vehicles on the apron. Our proposal takes into account the different situations otherwise we would have to consider that there is only one apron management service on the platform.</p>
response	<p><i>Noted</i></p> <p>The definition of apron management services is already included in the Basic Regulation and therefore cannot be amended by an implementing rule. However, the way in which apron management services may be provided is not a matter of the definition itself, but rather a matter of the actual related requirements that will be developed, which could accommodate cases like the one presented in the comment. To this end, a dedicated rulemaking task will further detail the requirements for the provision of such services.</p>
comment	<p>3568 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #93</p>

comment	<p>3588 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i> Attachment #96</p> <p>UAF NPA 2011-20 (B.I) CR Art.2, "instrument runway"</p> <p>Référence: instrument runway</p> <p>Traduction de courtoisie The EASA should take into account the conclusions of the ICAO's Approach classification task force which redefine the approach categories. The case of GNSS is not clearly identified and it should be.</p>
response	<p><i>Noted</i></p> <p>The Agency follows the work of ICAO in the relevant field and tries to ensure that the proposed definitions reflect a mature text and that, when needed, they are aligned with other definitions in other areas.</p>
comment	<p>3589 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i> Attachment #97</p> <p>UAF NPA 2011-20 (B.I) CR Art.2 "audit"</p> <p>Référence: audit</p> <p>Traduction de courtoisie Should be amended as follows: "Audit means a systematic, independent and documented process for obtaining evidence and based on facts assessments to determine the extent to which requirements are complied with." It's preferable not to use the word "objectively" which would always be discussed. The essential point for the audit is to be based on recognized facts.</p>
response	<p><i>Noted</i></p> <p>The proposed definition is based on the relevant ISO definition.</p>
comment	<p>3590 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i> Attachment #98</p> <p>UAF NPA 2011-20 (B.I) CR Art.2, "Non-instrument runway"</p> <p>Référence: "Non-instrument runway"</p> <p>Traduction de courtoisie We suggest :</p> <ul style="list-style-type: none"> • Either to take the terms of the ICAO Approach classification task force ; • Or to add "only"as follows: "Non-instrument runway means a runway intended only for the operation of aircraft using visual

approach procedures”.

Also, the GNSS procedures are not clearly identified. The actual definitions will conduct to have runways considered at the same time as « instrument runways » and « non-instrument runways ».

Indeed, the majority of instrument runways are also aimed to be used for visual approaches.

Considering the terms used, « instrument » and « non-instrument », we understand that it is about exclusive categories. However it will not be the case with such definitions even if they come from ICAO.

response *Noted*

This is the ICAO definition of non-instrument runway. The Agency follows the relevant ICAO work in this area, which, however, has not been finalised.

comment 3591 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#99](#)

UAF NPA 2011-20 (B.I) CR Art.2 "apron management service"

Référence: apron management service

Traduction de courtoisie

Should be amended as follows: "Apron management service means a service provided to manage the activities **and/or** the movement of aircraft **and/or** vehicles on an apron".

There is not only one apron management service on a platform and there is a distribution between services with on one hand the management of aircrafts and on the other hand the management of vehicle activities on the apron. There is also a distribution by geographic areas of the platform. Moreover, police authorities are also involved in the management of vehicles on the apron.

Our proposal takes into account the different situations otherwise we would have to consider that there is only one apron management service on the platform.

response *Noted*

The definition of apron management services is already included in the Basic Regulation and therefore cannot be amended by an implementing rule. However, the way in which apron management services may be provided is not a matter of the definition itself, but rather a matter of the actual related requirements that will be developed, which could accommodate cases like the one presented in the comment. To this end, a dedicated rulemaking task will further detail the requirements for the provision of such services.

comment 29

comment by: *ACI EUROPE - Airports Council International*

Change (f) "Take enforcement measures as appropriate" to "require the authority to take enforcement measures as appropriate".

Justification: There is danger of staff taking on the spot action. Should be addressed through the responsible authority and not through individuals.

response *Noted*

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that 'Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement'.

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures, there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short, the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment 95

comment by: *Flughafen Düsseldorf GmbH*

1. Member States shall designate one or more entities [g1] 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, and providers of apron management services, subject to Regulation (EC) No 216/2008.

response	<p>[g1]Besser nur eine Behörde für zuständig erklären, ansonsten steigt der Verwaltungsaufwand, ferner drohen Kompetenzstreitigkeiten und unterschiedliche Entscheidungen (=abträglich für einheitliche Sicherheitsstandards).</p> <p><i>Not accepted</i></p> <p>Allowing for more than one competent authority has also been included in the rule because the German federal structure requires several competent authorities.</p>
comment	<p>97 comment by: Flughafen Düsseldorf GmbH</p> <p>2. If a Member State designates <u>more than one [g1]</u> entity as competent authority:</p> <hr/> <p>[g1]s.o.</p>
response	<p><i>Not accepted</i></p> <p>Allowing for more than one competent authority has also been included in the rule because the German federal structure requires several competent authorities.</p>
comment	<p>98 comment by: Flughafen Düsseldorf GmbH</p> <p>5. Personnel authorised by the competent authority to carry out certification</p> <p>and/or oversight tasks shall be empowered to perform at least the following tasks:</p> <p>(a) <u>examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;</u></p> <p>(b) take copies of or extracts from such records, data, procedures and other material;</p> <p>(c) ask for an oral explanation on site;</p> <p>(d) enter aerodromes, relevant premises, operating sites or other areas and means of transport;</p> <p>(e) perform audits, investigations, tests, exercises, assessments, inspections; and[g1]</p> <p>(f) take enforcement measures as appropriate.[g2]</p> <hr/> <p>[g1]Sollte nur nach rechtzeitiger Vorankündigung erfolgen. [g2]s.o.</p>
response	<p><i>Noted</i></p> <p>With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of</p>

aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.
Please note generally the changes made to Article 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that 'Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement'.

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures, there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short, the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment	154	comment by: CAA-NL
		We suggest to delete references to apron management services.
response	<i>Not accepted</i>	
		The competent authority(ies) will also be in charge of the oversight over providers of apron management services. The Agency cannot answer when comments are not substantiated.
comment	183	comment by: MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen
		We recommend the following amendment to Art. 3 para. 3 of the draft proposal: "Without prejudice to other national legal or administrative provisions ...".
		It should be taken into account that the implementation of European law is a core competence of Member States. Art. 8a para. 5 of the Basic

Regulation does in no way authorize the Commission to instruct Member States on how to manage their administrative entities in terms of organisation, equipment, personnel etc. It thus follows from the Member States' sovereignty that correspondent measures in this context, e.g. the financing and staffing of competent authorities, are exclusively a matter of the national governments alone. The same applies to the design and application of administrative procedures bound to implement European legal requirements. The Commission should therefore refrain from any instruction concerning the administrative organization of Member States.

Article 3 para.5 of the Cover Regulation should be seen as an objective for member states when framing national laws to empower competent authorities to carry out oversight tasks.

Aside from these provisions should be complemented as follows:

" g) enter aerodromes (including relevant premises, operating sites or other areas and means of transport) immediately in case of urgent safety risks."

In order to address a safety problem with undue delay personnel of the competent authority should be favoured with regard to security checks etc.

response *Not accepted*

The Agency does not believe that the addition suggested for Article 3.3 is appropriate as the aerodromes regulation is directly applicable and above Member State law.

Under 3.5 there is already a provision for access to the aerodrome under (d), so that the new (g) is not necessary. The authorisation to be done should be unrestricted in all possible ways.

comment 206 comment by: *SWISS AERODROMES ASSOCIATION*

Delegation of authority must be completed under strict conditions and only as far as, according to national rules, such one is possible and desirable. As it is even a more delicate (legal) issue to delegate enforcement measures, the last item of Article 5, litt. f) should be changed into:

f) require the authority to take enforcement measures as appropriate

response *Noted*

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that 'Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement'.

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures, there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short, the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

280

comment by: *BAA Airside operations*

Article 3, 5 (f)

Add "require the authority to..." at the start

This proposed change focuses the taking of enforcement measures onto the authority itself, and not on the individuals themselves.

Question - What is meant by "enforcement measures" – can examples or clarification be provided by EASA in the final Aerodromes requirements? Or are the measures to be taken at the discretion of the competent authority?

response

Noted

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.

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- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

324

comment by: *Danish Transport Authority*

EDITORIAL: It should be clarified that the part with providers of apron management includes oversight but not certification.".....es for the certification and oversight of aerodromes and aerodrome operators, and *oversight of providers of apron management services, subject to.....*"

response

Not accepted

The oversight of the competent authority extends to apron management service providers (AMS) regardless of whether or not these are under certification, an activity of the ANSP or the Aerodrome on their respective certificates or done by an entity that is allowed to declare its activities. All these options are available to the member state to chose from when it comes to AMS providers. Please see the consequence of the BR under Article 8a 2(e).

comment

364

comment by: *Edinburgh Airport*

Article 3 - Add "require the authority to" at the start.

Justification - This proposed change focuses the taking of enforcement measures onto the authority itself, and not on the individuals themselves.

response

Noted

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate

enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.

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- suspending RFFS personnel to be used as such because they are not trained as needed;
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In short the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

365

comment by: *Edinburgh Airport*

Article 3,5 (f) - Query

Justification - What is meant by "enforcement measures" - can examples or clarification be provided by EASA in the final Aerodromes requirements? Or are the measures to be taken at the discretion of the competent authority?

response

Noted

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.

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In short, the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

449

comment by: *Bristol Airport - BRS/EGGD*

Article 3	Add "require the authority to..." at the start	This proposed change focuses the taking of enforcement measures onto the authority itself, and not on the individuals themselves.
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response

Noted

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.

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comment

452

comment by: Bristol Airport - BRS/EGGD

Article 3, 5 (f)	Query	What is meant by "enforcement measures" – can examples or clarification be provided by EASA in the final Aerodromes requirements? Or are the measures to be taken at the discretion of the competent authority?
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response

Noted

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.

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comment 559 comment by: *Belfast International Airport - BFS/EGAA*

What is meant by "enforcement measures" – are the measures to be taken at the discretion of the competent authority?

response *Noted*

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.

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area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment 562 comment by: *Belfast International Airport - BFS/EGAA*
 What is meant by "enforcement measures" – are the measures to be taken at the discretion of the competent authority?

response *Noted*

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that 'Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement'.

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures, there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short, the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment 632 comment by: *Exeter International Airport*
 Article 3, 5 (f) : Confirmation of what is meant by "enforcement measures" – can examples or clarification be provided by EASA in the final Aerodromes requirements? Or are the measures to be taken at the

	discretion of the competent authority?
response	<p><i>Noted</i></p> <p>With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.</p> <p>Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that 'Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement'. Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures, there are other examples of enforcement measures in the area of aerodrome oversight:</p> <ul style="list-style-type: none"> · Financial penalties · Limitation of operations · Suspension of certificate (wholly or partly) · Revocation of certificate · Revoking an approval <p>Other examples may include:</p> <ul style="list-style-type: none"> · prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards; · prohibiting untrained persons access airside until they are trained; · suspending RFFS personnel to be used as such because they are not trained as needed; · (...) <p>In short, the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.</p>
comment	<p>702 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>In Art. 3(2a) sind föderale Staatssysteme, in denen beispielsweise mehrere Luftfahrtbehörden mit unterschiedlichen und abgegrenzten Zuständigkeiten/Aufgaben an einem Flugplatz zuständig zw. tätig sind, nicht ausreichend berücksichtigt.</p> <p>Verbesserungsvorschlag für Art. 3(2a): the areas of competence of each competent authority must be clearly defined in terms of responsibilities and/or geographic limitations or other criteria, which are specified by the Member State.</p>
response	<i>Not accepted</i>

What other criteria could there be that are not captured under either responsibilities and geographic limitations? The Agency fails to see the merit of making this sentence more convoluted. It is addressed to the member states and thus open to their interpretation. The emphasis of the sentence is more on that the competences must be 'clearly defined'.

comment 706 comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

In Art. 3(2b) oder in einem entsprechenden AMC zu Art. 3(2b) fehlen die minimalen Anforderungen an den Mitgliedsstaat für die geforderte Koordination zwischen mehreren Luftfahrtbehörden eines Mitgliedsstaates.

What are the minimum requirements for the coordination between more than one entity as competent authority in a member state.

response *Not accepted*

The Regulation is addressed to the member state for its interpretation. Clearly coordination needs to achieve the goal over effective and seamless oversight over aerodromes, aerodrome operators and apron management service providers. The Agency leaves this task to the member states to make it work.

comment 708 comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

In Art. 3(3) oder in einem entsprechenden AMC zu Art. 3(3) fehlen die minimalen Anforderungen an den Mitgliedsstaat für die personelle und sachliche Ausstattung der Luftfahrtbehörde(n).

Missing minimum requirements for the member states regarding the necessary capability in Art. 3(3) or appropriate AMC.

response *Noted*

No, this is not missing, but can be found in part ADR.AR and its AMC.

comment 712 comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

In Art. 3(5) oder in einem entsprechenden AMC zu Art. 3(5) fehlt eine Vorgabe des Prozesses, wie Personal zu autorisieren ist. Eine Vorgabe für einen standardisierten Prozess auf europäischer Ebene ist erforderlich.

Missing regulation for a process to authorise personnel by the competent authority in Art. 3(5) or appropriate AMC. A process ist nessesary for standardisation on a european level.

response *Not accepted*

At this stage, the Agency has stayed away in Part ADR.AR on who the authorisation of the personnel of the competent authority should be done. It is felt that this should be left to the member states, where everyone may have their own current practices. Unless the Agency should find these authorisations wanting in the future after the experience with the standardisation visits, the Agency believes that having a uniform authorisation is not necessary.

comment	<p>715 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>Die Forderungen hinsichtlich der nationalen Regelungen (legal provisions) des Mitgliedsstaates in Art. 3(6) sind nicht klar. Was ist mit den nationalen Regelungen (legal provisions) des Mitgliedsstaates gemeint? Sollte es nicht Ziel sein, europäische Vorschriften/Regeln zu schaffen, die dann ggfs. in untergesetzlichem nationalen Regelwerken zu konkretisieren bzw. auf nationale Besonderheiten anzupassen sind?</p> <p><i>Which legal provision are meant in Art. 3(6)?</i></p>
response	<p><i>Noted</i></p> <p>Please look at the changes of Article 3. However, the old Article 3 (6) is not a request for legislation. Rather it says that the inspectors should do their work in the context of being compliant with national law that may exist. For example, if national law requires that a construction site at an airport can only be entered wearing a hard hat, the inspector should certainly do so.</p>
comment	<p>792 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #100</p> <p>UAF NPA 2011-20 (B.I) CR Art.3, 1.</p> <p>Référence: Art.3, 1.</p> <p>Traduction de courtoisie</p> <p>We consider that in France the DGAC would not be the only competent authority. The Prefects could be so considered as well.</p> <p>On the contrary, in AMC's and CS's, the words "competent authority" are only used in the singular form.</p> <p>We understand that as the case may be, the competent authority could be different.</p> <p>If it proved to be right, some specifications concerning the authorities, notably about the SMS, wouldn't apply.</p>
response	<p><i>Accepted</i></p> <p>Please note that Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of aerodromes within the scope and applicability of Regulation No 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have to be defined. EASA has developed the rules such that Annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the 'Prefet' as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.</p>
comment	<p>793 comment by: <i>Union des Aéroports français - UAF</i></p>

Attachment [#101](#)

UAF NPA 2011-20 (B.I) CR Art.3, 5. (f)

Référence: art. 3, 5. (f)

Traduction de courtoisie

It is appropriate to delete the (f).

« ~~Take enforcement measures as appropriate.~~ »

The provisions of the (f) imply the possibility of a direct action by the staff of the competent authority in charge of the certification and monitoring to take directly enforcement measures. This is in contradiction with the ADR.AR.C.055 where it is specified that before taking such measures, it is to go through a process defined in ADR.ARC.055.

response

Noted

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that 'Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement'.

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures, there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short, the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

845

comment by: *Infratil Airports Europe Ltd***Page No:** 11**Paragraph No:** Art 3, 5f**Comment:**

What is meant by "enforcement measures" – can examples or clarification be provided by EASA in the final Aerodromes requirements? Or are the measures to be taken at the discretion of the competent authority?

Justification: Unclear

Proposed Text: A reference should be added to area of guidance material where enforcement actions are described if this is available.

response

Noted

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that 'Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement'.

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures, there are other examples of enforcement measures in the area of aerodrome oversight:

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Other examples may include:

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- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short, the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

866

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- Draft Commission Regulation - Article 3 - Oversight capabilities (p10-11)

List of affected paragraphs with specific comments:

- ANNEX I - Part-AR - ADR.AR.C.060 — Wildlife Management - paragraph (b)(1) (p29)
- ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects (p30)
- ANNEX I - Part-AR - ADR.AR.C.070 — confusing, misleading and hazardous lights (p30)
- ANNEX I - Part-AR - ADR.AR.C.075 — Protection of communication, navigation and surveillance systems (p30-31)
- ANNEX I - Part-AR - ADR.AR.C.080 — Other activities (p31)
- ANNEX II - Part-OR - ADR.OR.C.040 — Prevention of fire (p48)
- Annex III - Part-OR - AMC1-ADR.OR.C.040
- ANNEX II - Part-OR - ADR.OR.C.045 — Use of alcohol and illicit or prescribed substances (p48)
- ANNEX II - Part-OR - ADR.OR.D.030 - Safety reporting system — (p53-54)
- ADR.OPS.B.005 — Aerodrome emergency planning
- ANNEX III — Part-OPS - ADR-OPS.B.010 — Rescue and fire-fighting services (p65)
- ANNEX III — Part-OPS - ADR-OPS.B.020 — Wildlife hazard reduction (p66)
- ANNEX III — Part-OPS —ADR-OPS.B.025 — Operation of vehicles (p66)
- AMC/GM to ANNEX III — Part-OPS — AMC-ADR-OPS.B.025 - Operation of vehicles (p156)
- ANNEX III — Part-OPS — ADR-OPS.B.055 — Fuel quality (p67)
- AMC/GM to ANNEX III — Part-OPS —AMC-ADR-OPS. B.055 — Fuel quality (p160)
- ANNEX III — Part-OPS —ADR-OPS.B.080 — Marking and lighting of vehicles and other mobile objects (p69)
- AMC/GM to ANNEX III — Part-OPS —AMC-ADR-OPS.B.080 — Marking and lighting of vehicles and other mobile objects (p173)
- ANNEX III — Part-OPS —ADR-OPS.B.085 — Handling of hazardous materials (p69)
- AMC/GM to ANNEX III — Part-OPS —AMC-ADR-OPS.B.085 — Handling of hazardous materials (p173)
- AMC/GM to ANNEX III — Part-OPS —GM-ADR-OPS.B.085 — Handling of hazardous materials (p173-174)
- AMC1-ADR.OR.C.040
- GM1-ADR.AR.C.065 — Obstacles — Objects
- AMC2-ADR-AR.C.065 (b) — Obstacles - Objects
- AMC-GM to Annex I - AMC3-ADR.AR.C.065(a) — Obstacles — Objects -runways meant for take-off (p40)
- AMC1-ADR.AR.C.070(a) — Confusing, misleading and hazardous lights
- AMC2-ADR.AR.C.070(a) — Confusing, misleading and hazardous lights
- AMC1-ADR.AR.C.070 (b) — Confusing, misleading and hazardous

lights

2. Justification and proposed text / comment

Some tasks contained in the NPA are not performed by the aerodrome operator in France: in this case, the surveillance of the entity responsible for this given task is done by the competent authority and the aerodrome operator is only asked to coordinate with these entities. Consequently, DGAC proposes to add, in the Cover Regulation a new article: Article 2 *bis* -Competent authorities, which would contain at the beginning paragraph 1 and 2 of current article 3, completed by a new paragraph dealing with these cases and imposing that the description of the allocation of these tasks shall be in the terms of approval of the aerodrome certificate.

DGAC proposes to add a new article 2*bis*, after article 2 and before article 3, which would contain the first and second paragraph of the current article 3, completed by a new paragraph:

"Article 2 *bis* – Competent authorities

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, and providers of apron management services, subject to Regulation (EC) No 216/2008.

The competent authority shall be independent of aerodrome operators and providers of apron management services. This independence shall be achieved through adequate separation, at functional level at least, between the competent authority and such organisations. Member States shall ensure that competent authorities exercise their powers impartially and transparently.

2. If a Member State designates more than one entity as competent authority:

(a) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation; and

(b) coordination shall be established between those entities to ensure effective oversight of all aerodromes and aerodrome operators, as well as providers of apron management services, subject to Regulation (EC) No 216/2008.

3. When tasks mentioned in the annexes to this regulation are performed by a body which is independent from the aerodrome operator, the competent authority shall verify that all the essential requirements are covered and shall describe the allocation of these tasks in the terms of approval of the certificate.

Article 3 – Oversight capabilities

~~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, and providers of apron management services, subject to Regulation (EC) No 216/2008.~~

~~The competent authority shall be independent of aerodrome operators and providers of apron management services. This independence shall be achieved through adequate separation, at functional level at least, between the competent authority and such organisations. Member States shall ensure that competent authorities exercise their powers impartially and transparently.~~

~~2. If a Member State designates more than one entity as competent authority:~~

~~(a) the areas of competence of each competent authority shall be clearly~~

~~defined in terms of responsibilities and geographic limitation; and
(b) coordination shall be established between those entities to ensure effective oversight of all aerodromes and aerodrome operators, as well as providers of apron management services, subject to Regulation (EC) No 216/2008.~~

~~3. 1.~~ Member States shall ensure that the competent authority(ies) has(ve) the necessary capability to ensure the oversight of all aerodromes, aerodrome operators, and providers of apron management services subject to their oversight programme, including sufficient resources to fulfil the requirements of this Regulation.

~~4. 2.~~ Member States shall ensure that competent authority personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest

~~5. 3.~~ Personnel authorised by the competent authority to carry out certification NPA 2011-20 (B.I) and/or oversight tasks shall be empowered to perform at least the following tasks:

(a) examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;

(b) take copies of or extracts from such records, data, procedures and other material;

(c) ask for an oral explanation on site;

(d) enter aerodromes, relevant premises, operating sites or other areas and means of transport;

(e) perform audits, investigations, tests, exercises, assessments, inspections; and

(f) take enforcement measures as appropriate.

~~6. 4.~~ The tasks under paragraph ~~5.3~~ shall be carried out in compliance with the legal provisions of the relevant Member State."

response *Partially accepted*

Please note that Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of aerodromes within the scope and applicability of Regulation No 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have be defined. EASA has developed the rules such that the Annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the 'Prefet' as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.

As regards the AR rules ADR.AR.C.060 till 080, please note that these have been abolished as the tasks could not be clearly attributed to the Competent Authority in all countries.

The role of the prefet in terms of generic airport operational matters can be resolved under the new ADR>OPS article with the following content:

ADR.OPS.B.001 – Provision of operational services

The operational services under section B of this Annex shall be provided at the aerodrome by the aerodrome operator directly or indirectly.

The Agency believes that Article 3 (in its new form) and the ADR.OPS.B.005 allow for the continuation of the division of responsibilities of France. The concrete suggestions were not adopted. However, the problem was dealt with by EASA.

comment

908

comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- Draft Commission Regulation - Article 3 – Oversight capabilities - paragraph 3 (p10)

2. Justification and Proposed text / comment

The oversight capabilities of the competent authority shall also be compliant with the legal provisions and the system of the relevant Member State. For instance, emergency plans in France are the competency of the State representative ("préfet") in the local region: it is absolutely not possible in France for the competent authority to oversee this State representative.

Article 3 – Oversight capabilities

"[...]

3. Member States shall ensure, without prejudice to the system and legal provisions of the relevant Member State, that the competent authority(ies) has(ve) the necessary capability to ensure the oversight of all aerodromes, aerodrome operators, and providers of apron management services subject to their oversight programme, including sufficient resources to fulfil the requirements of this Regulation.

[...]"

response

Partially accepted

Please note that Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of aerodromes within the scope and applicability of Regulation No 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have be defined. EASA has developed the rules such that the annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the 'Prefet' as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.

The suggested addition was not agreed to, but the problem was taken up by EASA.

comment

959

comment by: *Munich Airport International*

Change (f) "Take enforcement measures as appropriate" to "require the authority to take enforcement measures as appropriate"

Justification: Danger of staff taking on the spot action. Should be adressed

	through the responsible authority and not through individuals
response	<p><i>Noted</i></p> <p>With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.</p> <p>Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that 'Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement'. Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures, there are other examples of enforcement measures in the area of aerodrome oversight:</p> <ul style="list-style-type: none"> · Financial penalties · Limitation of operations · Suspension of certificate (wholly or partly) · Revocation of certificate · Revoking an approval <p>Other examples may include:</p> <ul style="list-style-type: none"> · prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards; · prohibiting untrained persons access airside until they are trained; · suspending RFFS personnel to be used as such because they are not trained as needed; · (...) <p>In short, the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.</p>

comment	<p>988 comment by: ADP : Aeroports de Paris</p> <p>Référence: Art.3, 1.</p> <p>"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, and providers of apron management services, subject to Regulation (EC) No 216/2008."</p> <p>Proposition/commentaire</p>
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Nous considérons qu'en France la DGAC pourrait ne pas être la seule autorité compétente. Les préfets pourraient également être considérés comme tels.

A l'inverse, dans les AMC et les CS, le terme "autorité compétente" est utilisé au singulier uniquement.

Nous comprenons que selon les spécifications, l'autorité compétente pourrait être différente (DGAC ou préfet).

Si cela s'avérait exact, certaines spécifications relatives aux autorités, notamment celles concernant les SGS ne pourraient pas s'appliquer.

Justification

Traduction de courtoisie

We consider that in France the DGAC would not be the only competent authority. The Prefects could be so considered as well.

On the contrary, in AMC's and CS's, the words "competent authority" are only used in the singular form.

We understand that as the case may be, the competent authority could be different.

If it proved to be right, some specifications concerning the authorities, notably about the SMS, wouldn't apply.

response

Accepted

Please note that Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of aerodromes within the scope and applicability of Regulation No 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have be defined. EASA has developed the rules such that the Annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the 'Prefet' as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.

comment

989

comment by: *ADP : Aeroports de Paris*

Référence: art. 3, 5. (f)

« Take enforcement measures as appropriate. »

Proposition/commentaire

Il convient de supprimer le (f).

« Take enforcement measures as appropriate. »

Justification

La disposition du (f) sous-entend la possibilité d'une action directe de la part du personnel de l'autorité compétente en charge des tâches de certification et de surveillance pour prendre directement des mesures d'application. Ceci est en contradiction avec l'ADR.AR.C.055 où il est spécifié qu'avant de prendre de telles mesures, il s'agit de passer par un processus défini dans l'ADR.AR.C.055.

Traduction de courtoisie

It is appropriate to delete the (f).

« Take enforcement measures as appropriate. »

The provisions of the (f) imply the possibility of a direct action by the staff of the competent authority in charge of the certification and monitoring to take directly enforcement measures. This is in contradiction with the ADR.AR.C.055 where it is specified that before taking such measures, it is to go through a process defined in ADR.ARC.055.

response *Noted*

With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that 'Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement'.

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures, there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short, the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for

enforcement. Of course enforcement measures should be justified and proportionate.

comment	<p>1005 comment by: <i>London Biggin Hill Airport</i></p> <p>What is meant by "enforcement measures" – can EASA provide examples or clarification in the final Aerodromes requirements? Or are "enforcement measures" taken at the discretion of the competent authority?</p>
response	<p><i>Noted</i></p> <p>With Article 3 (5) (now Article 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases, even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Article 3.</p> <p>Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that 'Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement'.</p> <p>Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures, there are other examples of enforcement measures in the area of aerodrome oversight:</p> <ul style="list-style-type: none"> · Financial penalties · Limitation of operations · Suspension of certificate (wholly or partly) · Revocation of certificate · Revoking an approval <p>Other examples may include:</p> <ul style="list-style-type: none"> · prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards; · prohibiting untrained persons access airside until they are trained; · suspending RFFS personnel to be used as such because they are not trained as needed; · (...) <p>In short, the primary legislation for aerodrome safety in Europe (Regulation No 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.</p>
comment	<p>1008 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p>

- Draft Commission Regulation - Article 3 – Oversight capabilities - paragraph 1 (p10)
- ANNEX I – Part-AR - ADR.AR.B.005(c) – Management System (p20)
- ANNEX I - Part-AR - ADR.AR.C.065 – Obstacles-Objects (p30)
- ANNEX I - Part-AR - ADR.AR.C.070 – confusing, misleading and hazardous lights (p30)
- ANNEX I - Part-AR - ADR.AR.C.075 – Protection of communication, navigation and surveillance systems (p30-31)
- ANNEX I - Part-AR - ADR.AR.C.080 – Other activities (p31)
- ANNEX I - Part-AR - ADR.AR.C.065 – Obstacles-Objects (c) (p30)
- AMC/GM to ANNEX I – Part-AR – AMC1-ADR.AR.B.005(c) – Management System (p13)
- AMC-GM to Annex I – AMC2-ADR-AR.C.065 (b) – Obstacles – Objects – wind turbines (p51)
- AMC-GM to Annex I – AMC1-ADR-AR.C.070(a) – confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I – AMC2-ADR-AR.C.070(a) – Confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I – AMC1-ADR-AR.C.070(b) – Confusing, misleading and hazardous lights (p53)
- AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) – Obstacles – Objects (p38)
- AMC/GM to ANNEX I – Part-AR - AMC1-ADR-AR.C.060(b) – Wildlife hazard management – MITIGATING MEASURES (page 37)
- CS-ADR - Book 1 - CS-ADR-DSN.A.002 – Definitions – ‘clearway’ (p5)

2. Justification and proposed text / comment

This comment is linked with comment 789 in book II and comment 591 in book III

This comment is **critical** as the rules, as written presently, can not be applied in the French system, linked with the definition of “competent authority” and its related obligations. This comment is linked to the issue on responsibility (see proposal for adding Article 2bis in the Cover regulation).

This comment aims to inform EASA on how the French DGAC understands the notion of “competent authority”, and also to list the rules which can not be applied for such competent authority.

France understands the competent authority is the civil aviation authority in charge of the oversight of the aerodrome operator for the tasks mentioned in its aerodrome certificate.

To explain our comment: In France, there are regions, and representatives from the States in these regions (“préfet” in French). The local representative from the State has some responsibilities, particularly for land planning use. For example, this representative is competent on land use matters to apply the obstacle limitation surfaces and to edict rules on policy on aerodromes (e.g. defining the movement area or stating that people working on the aerodrome have to be trained). The “préfet” is not considered as a competent authority, as if he was, its services would have to respect all the rules which apply the competent authorities, in particular the obligation to have a SMS: this is not possible in the French system and it would be too complex, too expensive and not feasible considering the reduced resources.

This should be taken into account while writing the rules: it is proposed to

clarify this point by distinguishing in the rules the "competent authorities" and the "other authorities". Moreover, security and local land use authorities are considered as "authorities" but shall not be "competent authorities" as requiring them to have a management system would be totally unfeasible.

However, coordination between these entities exists and can be made through several means. DGAC understands that coordination arrangements can be fulfilled by the mean of: protocols, legally defined coordination, or both entities being members of the government or the same State authorities.

DGAC France fully supports the use of the word "appropriate authority" in the definition of "clearway" in CS-ADR-DSN.A.002 (p5), which gives to France the flexibility we need.

It is proposed to clarify these points by:

- **modifying paragraph (c) of ADR.AR.B.005 as follows :**

"The competent authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance of other competent authorities/authorities of the Member State concerned.

- **replacing the 2 first sentences of AMC1-ADR.AR.B.005(c) by:**

« The coordination between the competent authority(ies) and the other authorities of the Member State should be formally documented, and should encompass, as deemed appropriate by the Member State, the following authorities :

*~~The competent authority should establish coordination arrangements with other **competent** authorities of the Member State. Such coordination arrangements should in particular include the following **competent** authorities ... »~~*

- **modifying the provisions on surroundings: ADR-AR.C.065, ADR-AR.C.070, ADR-AR.C.075, ADR-AR.C.080 and corresponding AMCs and GMs, and AMC1-ADR.AR.C.060(b) as proposed in specific DGAC's comments**

response *Partially accepted*

Please note that Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of aerodromes within the scope and applicability of Regulation No 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have be defined. EASA has developed the rules such that the Annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the 'Prefet' as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.

As regards the AR rules ADR.AR.C.060 till 080, please note that these have been abolished as the tasks could not be clearly attributed to the Competent Authority in all countries.

The role of the préfet in terms of generic airport operational matters can be resolved under the new ADR>OPS article with the following content:

ADR.OPS.B.001 – Provision of operational services

The operational services under section B of this Annex shall be provided at the aerodrome by the aerodrome operator directly or indirectly.

The Agency believes that Art. 3 (in its new form) and the ADR.OPS.B.005 allow for the continuation of the division of responsibilities of France. The concrete suggestions was not adopted. However, the problem was dealt with by EASA.

comment

1067

comment by: *Cologne/Bonn Airport*

(f): Change "Take enforcement measures as appropriate" to "require the authority to take enforcement measures as appropriate"

Justification: Danger of staff taking on spot action. Should be addresses through the responsible authority and not through individuals

response

Noted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.
Please note generally the changes made to Art. 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment 1250 comment by: *Blackpool Airport - BLK/EGNH*

Article 3, 5 (f) : Confirmation of what is meant by "enforcement measures" – can examples or clarification be provided by EASA in the final Aerodromes requirements? Or are the measures to be taken at the discretion of the competent authority?

response *Noted*

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Art. 3.

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Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

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Other examples may include:

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- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment	<p>1481 comment by: <i>Stansted Airport</i></p> <p>Article 3, 1</p> <p>Add "require the authority to..." at the start</p> <p>This proposed change focuses the taking of enforcement measures onto the authority itself, and not on the individuals themselves.</p>
response	<p><i>Noted</i></p> <p>With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.</p> <p>Please note generally the changes made to Art. 3.</p> <p>Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".</p> <p>Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:</p> <ul style="list-style-type: none"> · Financial penalties · Limitation of operations · Suspension of certificate (wholly or partly) · Revocation of certificate · Revoking an approval <p>Other examples may include:</p> <ul style="list-style-type: none"> · prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards; · prohibiting untrained persons access airside until they are trained; · suspending RFFS personnel to be used as such because they are not trained as needed; · (...) <p>In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.</p>
comment	<p>1482 comment by: <i>Stansted Airport</i></p> <p>Article 3, 5 (f)</p> <p>Query</p> <p>What is meant by "enforcement measures" – can examples or clarification</p>

be provided by EASA in the final Aerodromes requirements? Or are the measures to be taken at the discretion of the competent authority?

response

Noted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.

Please note generally the changes made to Art. 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

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- prohibiting untrained persons access airside until they are trained;
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- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

1500

comment by: *London Luton Airport Operations Ltd*

Article 3, 5f - can EASA clarify the enforcement process as when cross referenced to ADR.AR.C.040 - Changes (d) it indicates this could lead to the loss of the aerodrome certificate

.

Also, does 5 (f) mean that each member state can take varying action for potentially the same condition resulting in inconsistency, this could be confusing where aerodromes operated by the same owner across various member states have to respond in different ways. potentially leading to inconsistencies in safety standards across member states.

response

Noted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. The overall Europewide "calibration" of findings and enforcement is one of the challenges of Europe as it is in every national system as well. Please note generally the changes made to Art. 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

1567

comment by: *Euroairport Bâle-Mulhouse*Attachment [#102](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.3, 1.

Référence: Art.3, 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, and providers of apron management services, subject to Regulation (EC) No 216/2008."

	<p>Traduction de courtoisie We consider that in France the DGAC would not be the only competent authority. The Prefects could be so considered as well. On the contrary, in AMC's and CS's, the words "competent authority" are only used in the singular form. We understand that as the case may be, the competent authority could be different. If it proved to be right, some specifications concerning the authorities, notably about the SMS, wouldn't apply.</p>
response	<p><i>Accepted</i></p> <p>Please note that the Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of aerodromes within the scope and applicability of Regulation 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have be defined. EASA has developed the rules such that the annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the "Prefet" as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.</p>
comment	<p>1568 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #103</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.3, 5. (f)</p> <p>Référence: art. 3, 5. (f)</p> <p>« Take enforcement measures as appropriate. »</p> <p>Traduction de courtoisie It is appropriate to delete the (f). « Take enforcement measures as appropriate. » The provisions of the (f) imply the possibility of a direct action by the staff of the competent authority in charge of the certification and monitoring to take directly enforcement measures. This is in contradiction with the ADR.AR.C.055 where it is specified that before taking such measures, it is to go through a process defined in ADR.ARC.055.</p>
response	<p><i>Noted</i></p> <p>With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.</p>

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- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment	<p>1646 comment by: <i>ECA - European Cockpit Association</i></p> <p>Add a point as follows: (g) appoint and include a local pilots' association representative to support the oversight task.</p> <p>Justification: In order to ensure consistent interpretation and application of safety requirements within a NAA local pilots' associations provide the best background for the assessment of a deviation within an oversight task. Therefore the appropriate NAA should have the right to appoint a local pilots' association representative.</p>
response	<p><i>Not accepted</i></p> <p>Current airline pilots are not part of the competent authority staff. Nor should they be. Often inspectors are also former pilots and have such training to fulfil the function that this comment wants to introduce.</p>
comment	<p>1692 comment by: <i>Swedish Transport Agency</i></p> <p>Apron Management should not be regulated separately from aerodromes, its a part of aerodromes.</p>
response	<p><i>Not accepted</i></p> <p>Not necessarily. It may be performed by the ANSP or a third party.</p>

comment

1782

comment by: *Geneva International Airport (ROMIG)*

Change (f) "Take enforcement measures as appropriate" to "require the authority to take enforcement measures as appropriate" There is a risk of non qualified staff taking specific actions on the spot. This requirement should be adressed to the responsible authority and not to individuals, even if working for the authority.

response

Noted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.

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Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

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- prohibiting untrained persons access airside until they are trained;
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- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

1840

comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

Article 3	Change (f) "Take enforcement measures as appropriate" to "require the authority to take	Danger of staff taking on the spot action. Should be adressed through the
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	enforcement measures as appropriate"	responsible authority and not through individuals
response	<p><i>Noted</i></p> <p>With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Art. 3.</p> <p>Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement". Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:</p> <ul style="list-style-type: none"> · Financial penalties · Limitation of operations · Suspension of certificate (wholly or partly) · Revocation of certificate · Revoking an approval <p>Other examples may include:</p> <ul style="list-style-type: none"> · prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards; · prohibiting untrained persons access airside until they are trained; · suspending RFFS personnel to be used as such because they are not trained as needed; · (...) <p>In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.</p>	
comment	<p>1859 <i>comment by: Innsbruck Airport Authority - Tiroler Flughafensbetriebsges. mbH</i></p> <p>Change (f) "Take enforcement measures as appropriate" to "require the authority to take enforcement measures as appropriate"</p>	
response	<p><i>Not accepted</i></p> <p>With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors.</p>	

The duties to be undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. When authorised inspectors take action on behalf of the Competence authority.
Please note generally the changes made to Art. 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
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Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment	<p>1883 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>Change: Add "require the authority to..." at the start.</p> <p>Justification: This proposed change focuses the taking of enforcement measures onto the authority itself, and not on the individuals themselves.</p>
response	<p><i>Not accepted</i></p> <p>With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. When authorised the inspectors take action on behalf of the authority.</p>

Please note generally the changes made to Art. 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

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In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

1885

comment by: *East Midlands Airport - EMA/EGNX*

5 (f): Query?

What is meant by "enforcement measures" – can examples or clarification be provided by EASA in the final Aerodromes requirements? Or are the measures to be taken at the discretion of the competent authority?

response

Noted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.

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- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

1944

comment by: *Aéroport de Marseille - MRS/LFML*

We consider that in France the DGAC would not be the only competent authority. The Prefects could be so considered as well.

On the contrary, in AMC's and CS's, the words "competent authority" are only used in the singular form.

We understand that as the case may be, the competent authority could be different.

If it proved to be right, some specifications concerning the authorities, notably about the SMS, wouldn't apply.

It is appropriate to delete the (f).

« ~~Take enforcement measures as appropriate.~~ »

The provisions of the (f) imply the possibility of a direct action by the staff of the competent authority in charge of the certification and monitoring to take directly enforcement measures. This is in contradiction with the ADR.AR.C.055 where it is specified that before taking such measures, it is to go through a process defined in ADR.ARC.055.

response

Not accepted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.

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In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

1977

comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- Draft Commission Regulation - Article 3 - Oversight capabilities (p10-11)

2. Justification and proposed text / comment

This comment is **critical**, as it affects the organisation of the State. The present comment is a proposal for a solution to deal with this fundamental point.

Some tasks contained in the NPA are not performed neither by the aerodrome operator, nor by the competent authority in France: in this case, the surveillance of the entity responsible for this given task is done by the competent authority (or other relevant authority for instance for the surroundings) and the aerodrome operator is only asked to coordinate with these entities.

DGAC France recognizes that Regulation (EC) N°216/2008 is too detailed on some points, and thinks this is probably not in accordance with Lisbon treaty. To provide for adequate flexibility, EASA has introduced DAAD, however, DAAD does not enable to solve the fundamental point mentioned in this comment.

Regulation (EC) N°216/2008 states that the rules should "provide for the necessary flexibility for customised compliance" (article 8A - Aerodromes - Para 6 (e)), particularly for provisions on " the responsibilities of the

holders of certificates" (article 8A – Aerodromes – Para 5 (f)). Linked with that, the aerodrome certificate can not encompass the tasks not performed by the aerodrome operator, as this would signify that the aerodrome operator has proved to be compliant with and has the power to act concerning these tasks.

Consequently, DGAC proposes to add, in the Cover Regulation a new article: Article 2 *bis*, entitle "Competent authorities", which would contain at the beginning paragraph 1 and 2 of current article 3 which are related to competent authorities, completed by a new paragraph (3) dealing with these cases and imposing that the description of the allocation of these tasks shall be in the terms of approval of the aerodrome certificate.

Proposal:

"Article 2 *bis* – Competent authorities"

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, and providers of apron management services, subject to Regulation (EC) No 216/2008.

The competent authority shall be independent of aerodrome operators and providers of apron management services. This independence shall be achieved through adequate separation, at functional level at least, between the competent authority and such organisations. Member States shall ensure that competent authorities exercise their powers impartially and transparently.

2. If a Member State designates more than one entity as competent authority:

(a) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation; and

(b) coordination shall be established between those entities to ensure effective oversight of all aerodromes and aerodrome operators, as well as providers of apron management services, subject to Regulation (EC) No 216/2008.

3. When tasks mentioned in the annexes to this regulation are performed by a body which is independent from the aerodrome operator or from the competent authority(ies), the competent authority(ies) shall verify that all the essential requirements are covered. The tasks allocated to the aerodrome operator shall be listed in the terms of approval of the certificate.

Article 3 – Oversight capabilities

~~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, and providers of apron management services, subject to Regulation (EC) No 216/2008.~~

~~The competent authority shall be independent of aerodrome operators and providers of apron management services. This independence shall be achieved through adequate separation, at functional level at least, between the competent authority and such organisations. Member States shall ensure that competent authorities exercise their powers impartially and transparently.~~

~~2. If a Member State designates more than one entity as competent authority:~~

~~(a) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation; and~~

~~(b) coordination shall be established between those entities to ensure effective oversight of all aerodromes and aerodrome operators, as well as~~

~~providers of apron management services, subject to Regulation (EC) No 216/2008.~~

~~3. 1.~~ Member States shall ensure that the competent authority(ies) has(ve) the necessary capability to ensure the oversight of all aerodromes, aerodrome operators, and providers of apron management services subject to their oversight programme, including sufficient resources to fulfil the requirements of this Regulation.

~~4. 2.~~ Member States shall ensure that competent authority personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest

~~5. 3.~~ Personnel authorised by the competent authority to carry out certification NPA 2011-20 (B.I) and/or oversight tasks shall be empowered to perform at least the following tasks:

(a) examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;

(b) take copies of or extracts from such records, data, procedures and other material;

(c) ask for an oral explanation on site;

(d) enter aerodromes, relevant premises, operating sites or other areas and means of transport;

(e) perform audits, investigations, tests, exercises, assessments, inspections; and

(f) take enforcement measures as appropriate.

~~6. 4.~~ The tasks under paragraph ~~5~~³ shall be carried out in compliance with the legal provisions of the relevant Member State."

response *Partially accepted*

Please note that the Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of aerodromes within the scope and applicability of Regulation 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have be defined. EASA has developed the rules such that the annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the "Prefet" as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.

As regards the AR rules ADR.AR.C.060 till 080, please note that these have been abolished as the tasks could not be clearly attributed to the Competent Authority in all countries.

The role of the prefet in terms of generic airport operational matters can be resolved under the new ADR.OPS article with the following content:

ADR.OPS.B.001 – Provision of operational services

The operational services under section B of this Annex shall be provided at the aerodrome by the aerodrome operator directly or indirectly.

The Agency believes that Art. 3 (in its new form) and the ADR.OPS.B.005 allow for the continuation of the division of responsibilities of France. The concrete suggestions was not adopted. However, the problem was dealt with by EASA.

comment 2008 comment by: *Airport Operators Association*

Article 3, 5 (f) Clarification is needed on what is meant by "enforcement measures". Can examples or clarification be provided by EASA in the final Aerodromes requirements? Are these measures to be taken at the discretion of the competent authority?

response *Noted*

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.
Please note generally the changes made to Art. 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

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Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment 2085 comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

We advise to add to Art. 3 para 3 the wording "without prejudice to the legal and administrative provisions of Member States". It is essential that the oversight capabilities of the competent authorities have to be compliant with the national legal provisions and the underlying

administrative system of the Member State. The respective reference in para 6 referring only to para 5 is far too narrow. German authorities are of the opinion that the detailed provisions within the Cover Regulation, the annexes thereto and especially the AMC/GM on how authorities should achieve the necessary acts under the Basis Regulation (BR) are compromising the organizational sovereignty of the Member States. It would be sufficient and also compliant with Article 2 para 3 of the BR when the downstream provisions further describe the objectives of the BR and define the major lines on how to achieve those. **However, the final decision on personnel capacity and administrative procedures is a core task of Member States! Therefore, we would like to have the Legal Service of the European Commission consulted on this topic.**

response

Noted

In the area of oversight the Member States have given EASA the mandate to develop rules for the certification of aerodromes etc. This has to cover both sides, authority as well as organisations and infrastructure. Not least because of the arrival of Annex 19 EASA has developed the AR requirements.

comment

2263

comment by: Pau Pyrénées Airport - PUF/LFBP

art 3.1

We consider that in France the DGAC would not be the only competent authority. The Prefects could be so considered as well.

On the contrary, in AMC's and CS's, the words "competent authority" are only used in the singular form.

We understand that as the case may be, the competent authority could be different.

If it proved to be right, some specifications concerning the authorities, notably about the SMS, wouldn't apply.

art 3.5.f

It is appropriate to delete the (f).

« ~~Take enforcement measures as appropriate.~~ »

The provisions of the (f) imply the possibility of a direct action by the staff of the competent authority in charge of the certification and monitoring to take directly enforcement measures. This is in contradiction with the ADR.AR.C.055 where it is specified that before taking such measures, it is to go through a process defined in ADR.ARC.055.

response

Not accepted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.

Please note generally the changes made to Art. 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There

it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

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- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

2269

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*Attachment [#104](#)

ADBM - NPA 2011-20 (B.I) CR Art.3, 1.

Référence: Art.3, 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, and providers of apron management services, subject to Regulation (EC) No 216/2008."

Traduction de courtoisie
We consider that in France the DGAC would not be the only competent authority. The Prefects could be so considered as well. On the contrary, in AMC's and CS's, the words "competent authority" are only used in the singular form. We understand that as the case may be, the competent authority could be different.

If it proved to be right, some specifications concerning the authorities, notably about the SMS, wouldn't apply.

response

Accepted

Please note that the Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of

aerodromes within the scope and applicability of Regulation 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have be defined. EASA has developed the rules such that the annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the "Prefet" as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.

comment	<p>2292 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #105</p> <p>UAF NPA 2011-20 (B.I) CR Art.3, 1.</p> <p>Référence: Art.3, 1.</p> <p>Traduction de courtoisie</p> <p>We consider that in France the DGAC would not be the only competent authority. The Prefects could be so considered as well. On the contrary, in AMC's and CS's, the words "competent authority" are only used in the singular form. We understand that as the case may be, the competent authority could be different.</p> <p>If it proved to be right, some specifications concerning the authorities, notably about the SMS, wouldn't apply.</p>
response	<p><i>Accepted</i></p> <p>Please note that the Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of aerodromes within the scope and applicability of Regulation 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have be defined. EASA has developed the rules such that the annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the "Prefet" as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.</p>
comment	<p>2339 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i></p> <p>Add "require the authority to..." at the start</p>
response	<p><i>Not accepted</i></p> <p>With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a</p>

needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. When authorised the inspector may take actions on behalf of the authority.

Please note generally the changes made to Art. 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

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In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

2429 ❖

comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- Draft Commission Regulation - Article 1 – Subject matter (p5-6)
- Draft Commission Regulation - Article 3 – Oversight capabilities (p10-11)
- ANNEX I - Part-AR - ADR.AR.A.005 — Competent Authority (p16)
- ANNEX I - Part-AR - ADR.AR.A.010 — **Safety** Oversight Documentation (p16)

2. Justification and proposed text / comment

This comment is **critical**, as the drafted rules are confusing on this subject.

AESA competency is on safety only, this point should be clear in the drafted rules.

DGAC France as a strong comment on the notion of "competent authority" as described in this NPA (see comments: n°1008 in Book I, n°789 in Book II and n° 591 in Book III). To solve this strong point, it is asked to add a clear reference to "safety" when talking about the oversight.

Consequently, it is proposed to modify Articles 1 and 3 of the Cover Regulation, and ADR.AR.A.005 — Competent Authority as follows:

"Article 1

Subject matter

[...]

(h) *certain conditions and procedures for the declaration by and for the safety oversight of service providers referred to in paragraph 2(e) of Article 8a of Regulation (EC) No 216/2008.*"

"Article 3

Oversight capabilities

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 safety oversight of aerodromes and aerodrome operators, and providers of apron management services, subject to Regulation (EC) No 216/2008.*

The competent authority shall be independent of aerodrome operators and providers of apron management services. This independence shall be achieved through adequate separation, at functional level at least, between the competent authority and such organisations. Member States shall ensure that competent authorities exercise their powers impartially and transparently.

2. *If a Member State designates more than one entity as competent authority:*

(a) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation; and

(b) coordination shall be established between those entities to ensure effective safety oversight of all aerodromes and aerodrome operators, as well as providers of apron management services, subject to Regulation (EC) No 216/2008.

3. *Member States shall ensure that the competent authority(ies) has(ve) the necessary capability to ensure the safety oversight of all aerodromes, aerodrome operators, and providers of apron management services subject to their safety oversight programme, including sufficient resources to fulfil the requirements of this Regulation.*

4. *Member States shall ensure that competent authority personnel do not perform safety oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest*

5. *Personnel authorised by the competent authority to carry out certification and/or safety oversight tasks shall be empowered to perform at least the following tasks:*

(a) examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;

(b) take copies of or extracts from such records, data, procedures and other material;

(c) ask for an oral explanation on site;

(d) enter aerodromes, relevant premises, operating sites or other areas and means of transport;

(e) perform audits, investigations, tests, exercises, assessments, inspections; and

(f) take enforcement measures as appropriate.

6. *The tasks under paragraph 5 shall be carried out in compliance with the legal provisions of the relevant Member State."*

ADR.AR.A.005 – Competent authority

Aerodromes and aerodrome operators shall be certified and overseen on safety-related matters by the designated competent authority of the Member State in which the aerodrome is located.

ADR.AR.A.010 – Safety Oversight documentation

The competent authority shall make available legislative acts, standards, rules, technical publications and related documents to:

response *Noted*

Please see response to the same comment made by DGAC under Art. 1.

comment

2583

comment by: *AENA - Aeropuertos Españoles y Navegación Aérea*

This comment is **critical**, as it affects the organisation of the State. The present comment is a proposal for a solution to deal with this fundamental point.

Some tasks contained in the NPA are not performed neither by the aerodrome operator, nor by the competent authority in Spain: in this case, the surveillance of the entity responsible for this given task is done by the competent authority (or other relevant authority for instance for the surroundings) and the aerodrome operator is only asked to coordinate with these entities.

It is recognized that Regulation (EC) N°216/2008 is too detailed on some points, and thinks this is probably not in accordance with Lisbon treaty. To provide for adequate flexibility, EASA has introduced DAAD, however, DAAD does not enable to solve the fundamental point mentioned in this comment.

Regulation (EC) N°216/2008 states that the rules should “provide for the necessary flexibility for customised compliance” (article 8A – Aerodromes – Para 6 (e)), particularly for provisions on “ the responsibilities of the holders of certificates” (article 8A – Aerodromes – Para 5 (f)). Linked with that, the aerodrome certificate can not encompass the tasks not performed by the aerodrome operator, as this would signify that the aerodrome operator has proved to be compliant with and has the power to act concerning these tasks.

Consequently, It is proposed to add, in the Cover Regulation a new article: Article 2 *bis*, entitle “Competent authorities”, which would contain at the beginning paragraph 1 and 2 of current article 3 which are related to competent authorities, completed by a new paragraph (3) dealing with these cases and imposing that the description of the allocation of these tasks shall be in the terms of approval of the aerodrome certificate.

Proposal:**“Article 2 *bis* – Competent authorities**

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, and providers of apron management services, subject to Regulation (EC) No 216/2008.

The competent authority shall be independent of aerodrome operators and providers of apron management services. This independence shall be achieved through adequate separation, at functional level at least, between the competent authority and such organisations. Member States

shall ensure that competent authorities exercise their powers impartially and transparently.

2. If a Member State designates more than one entity as competent authority:

(a) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation; and

(b) coordination shall be established between those entities to ensure effective oversight of all aerodromes and aerodrome operators, as well as providers of apron management services, subject to Regulation (EC) No 216/2008.

3. When tasks mentioned in the annexes to this regulation are performed by a body which is independent from the aerodrome operator or from the competent authority(ies), the competent authority(ies) shall verify that all the essential requirements are covered. The tasks allocated to the aerodrome operator shall be listed in the terms of approval of the certificate.

Article 3 – Oversight capabilities

~~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, and providers of apron management services, subject to Regulation (EC) No 216/2008.~~

~~The competent authority shall be independent of aerodrome operators and providers of apron management services. This independence shall be achieved through adequate separation, at functional level at least, between the competent authority and such organisations. Member States shall ensure that competent authorities exercise their powers impartially and transparently.~~

~~2. If a Member State designates more than one entity as competent authority:~~

~~(a) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation; and~~

~~(b) coordination shall be established between those entities to ensure effective oversight of all aerodromes and aerodrome operators, as well as providers of apron management services, subject to Regulation (EC) No 216/2008.~~

~~3. 1. Member States shall ensure that the competent authority(ies) has(ve) the necessary capability to ensure the oversight of all aerodromes, aerodrome operators, and providers of apron management services subject to their oversight programme, including sufficient resources to fulfil the requirements of this Regulation.~~

~~4. 2. Member States shall ensure that competent authority personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest~~

~~5. 3. Personnel authorised by the competent authority to carry out certification NPA 2011-20 (B.I) and/or oversight tasks shall be empowered to perform at least the following tasks:~~

~~(a) examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;~~

~~(b) take copies of or extracts from such records, data, procedures and other material;~~

~~(c) ask for an oral explanation on site;~~

~~(d) enter aerodromes, relevant premises, operating sites or other areas and means of transport;~~

~~(e) perform audits, investigations, tests, exercises, assessments,~~

	<p>inspections; and (f) take enforcement measures as appropriate. 6- 4. The tasks under paragraph 53 shall be carried out in compliance with the legal provisions of the relevant Member State."</p>
response	<p><i>Partially accepted</i></p> <p>Please note that the Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of aerodromes within the scope and applicability of Regulation 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have be defined. EASA has developed the rules such that the annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the "Prefet" as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.</p> <p>As regards the AR rules ADR.AR.C.060 till 080, please note that these have been abolished as the tasks could not be clearly attributed to the Competent Authority in all countries.</p> <p>The role of the prefet in terms of generic airport operational matters can be resolved under the new ADR.OPS article with the following content: ADR.OPS.B.001 – Provision of operational services The operational services under section B of this Annex shall be provided at the aerodrome by the aerodrome operator directly or indirectly.</p> <p>The Agency believes that Art. 3 (in its new form) and the ADR.OPS.B.005 allow for the continuation of the division of responsibilities of France. The concrete suggestions was not adopted. However, the problem was dealt with by EASA.</p>
comment	<p>2808 <i>comment by: Aberdeen Airport Airside Operations</i></p> <p>Add "require the authority to ..." at the start</p> <p>This proposed change focuses the taking of enforcement measures onto the authority itself, and not on the individuals themselves.</p> <p>5 (f) Query</p> <p>What is meant by "enforcement measure" - can examples or clarification be provided by EASA in the final Aerodromes requirements? Or are the measures to be taken at the descretion of the comptent authority?</p>
response	<p><i>Not accepted</i></p> <p>With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective</p>

regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. When authorised the inspector may take actions on behalf of the authority.
Please note generally the changes made to Art. 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment	<p>2823 comment by: <i>Norwich International Airport</i></p> <p>Add "require the authority to..." at the start.</p> <p>This proposed change focuses the taking of enforcement measures onto the authority itself, and not on the individuals themselves.</p> <p>Query</p> <p>What is meant by "enforcement measures" – can examples or clarification be provided by EASA in the final Aerodromes requirements? Or are the measures to be taken at the discretion of the competent authority?</p>
response	<p><i>Noted</i></p> <p>With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5</p>

Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts.

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comment

2964

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: Art.3, 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, and providers of apron management services, subject to Regulation (EC) No 216/2008."
Proposition/commentaire	Nous considérons qu'en France la DGAC pourrait ne pas être la seule autorité compétente. Les préfets pourraient également être considérés comme tels. A l'inverse, dans les AMC et les CS, le terme "autorité compétente" est utilisé au singulier uniquement. Nous comprenons que selon les

	spécifications, l'autorité compétente pourrait être différente (DGAC ou préfet). Si cela s'avérait exact, certaines spécifications relatives aux autorités, notamment celles concernant les SGS ne pourraient pas s'appliquer.
Justification	
Traduction de courtoisie	We consider that in France the DGAC would not be the only competent authority. The Prefects could be so considered as well. On the contrary, in AMC's and CS's, the words "competent authority" are only used in the singular form. We understand that as the case may be, the competent authority could be different. If it proved to be right, some specifications concerning the authorities, notably about the SMS, wouldn't apply.

response

Accepted

Please note that the Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of aerodromes within the scope and applicability of Regulation 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have be defined. EASA has developed the rules such that the annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the "Prefet" as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.

comment

2965

comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: art. 3, 5. (f)	« Take enforcement measures as appropriate. »
Proposition/commentaire	Il convient de supprimer le (f). « Take enforcement measures as appropriate. »
Justification	La disposition du (f) sous-entend la possibilité d'une action directe de la part du personnel de l'autorité compétente en charge des tâches de certification et de surveillance pour prendre directement des mesures d'application. Ceci est en contradiction avec l'ADR.AR.C.055 où il est spécifié qu'avant de prendre de telles mesures, il s'agit de passer par un processus défini dans l'ADR.AR.C.055.

Traduction de courtoisie	<p>It is appropriate to delete the (f). « Take enforcement measures as appropriate. »</p> <p>The provisions of the (f) imply the possibility of a direct action by the staff of the competent authority in charge of the certification and monitoring to take directly enforcement measures. This is in contradiction with the ADR.AR.C.055 where it is specified that before taking such measures, it is to go through a process defined in ADR.ARC.055.</p>
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response *Not accepted*

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. When authorised the inspector may take action on behalf of the authority. Please note generally the changes made to Art. 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

3017

comment by: *BMVBS - Federal Ministry of Transport, Building and Urban Development*

We advise to add to Art. 3 para 3 the wording "without prejudice to the legal and administrative provisions of Member States". It is essential that the oversight capabilities of the competent authorities have to be compliant with the national legal provisions and the underlying administrative system of the Member State. The respective reference in para 6 referring only to para 5 is far too narrow. German authorities are of the opinion that the detailed provisions within the Cover Regulation, the annexes thereto and especially the AMC/GM on how authorities should achieve the necessary acts under the Basis Regulation (BR) are compromising the organizational sovereignty of the Member States. It would be

sufficient and also compliant with Article 2 para 3 of the BR when the downstream provisions further describe the objectives of the BR and define the major lines on how to achieve those.

It should be taken into account that the implementation of European law is a core competence of Member States. Art. 8a para 5 of the BR does not authorize the Commission to instruct Member States on how to manage their administrative entities in terms of organisation, equipment, personnel etc. It thus follows from the Member States' sovereignty that corresponding measures in this context, e.g. the financing and staffing of competent authorities, are exclusively a matter of the national governments alone. The same applies to the design and application of administrative procedures bound to implement European legal requirements. The Commission should therefore refrain from any instruction concerning the administrative organization of Member States.

response

Noted

In the area of oversight the Member States have given EASA the mandate to develop rules for the certification of aerodromes etc. This has to cover both sides, authority as well as organisations and infrastructure. Not least because of the arrival of Annex 19 EASA has developed the AR requirements.

comment

3098

comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*

ammend (f) "Take enforcement measures as appropriate" should only be carried out by the authority.

response

Not accepted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. When authorised the inspector may take action on behalf of the authority.
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In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

3108 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#106](#)

**SEARD NPA 2011-20 (B.I) CR Art.3, 1.
Commentaires de la Société d'Exploitation des Aéroports de
Rennes et Dinard**

Référence: Art.3, 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, and providers of apron management services, subject to Regulation (EC) No 216/2008."
Proposition/commentaire	Nous considérons qu'en France la DGAC pourrait ne pas être la seule autorité compétente. Les préfets pourraient également être considérés comme tels. A l'inverse, dans les AMC et les CS, le terme "autorité compétente" est utilisé au singulier uniquement. Nous comprenons que selon les spécifications, l'autorité compétente pourrait être différente (DGAC ou préfet).

	Si cela s'avérait exact, certaines spécifications relatives aux autorités, notamment celles concernant les SGS ne pourraient pas s'appliquer.
Justification	
Traduction de courtoisie	We consider that in France the DGAC would not be the only competent authority. The Prefects could be so considered as well. On the contrary, in AMC's and CS's, the words "competent authority" are only used in the singular form. We understand that as the case may be, the competent authority could be different. If it proved to be right, some specifications concerning the authorities, notably about the SMS, wouldn't apply.

response

Accepted

Please note that the Article 3 has been changed such that the Member States have to 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, personnel, organisations, and the safeguarding of surroundings of aerodromes within the scope and applicability of Regulation 216/2008. When there is more than one such Competent Authorities, their different responsibilities (geographic or scope) have be defined. EASA has developed the rules such that the annex I (Part AR) applies to designated Competent Authorities only (note capital letters). It may therefore be up to France to decide if it must designate the "Prefet" as a Competent Authority in order to ensure its obligations under the BR, the essential requirements and its implementing rules (i.e. the coming aerodrome regulation) as well as its future obligations under Annex 19 of ICAO.

comment

3275

comment by: *Southampton Airport*

What is meant by enforcement measures?

response

Noted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. Please note generally the changes made to Art. 3.

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- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

3348

comment by: *ADV -German Airports Association*

Comment

"Change (f) "Take enforcement measures as appropriate" to "require the authority to take enforcement measures as appropriate"

Justification

Danger of staff taking on the spot action. Should be adressed through the responsible authority and not through individuals

response

Not accepted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. When authorised the inspector may take action on behalf of the authority.
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comment

3352

comment by: *MST / STR - Stuttgart Airport*

Comment

Change (f) "Take enforcement measures as appropriate" to "require the authority to take enforcement measures as appropriate"

Justification

Danger of staff taking on the spot action. Should be adressed through the responsible authority and not through individuals

response

Not accepted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. When authorised the inspecto may take action on behalf of the authority. Please note generally the changes made to Art. 3.

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In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment	<p>3448</p> <p style="text-align: right;">comment by: <i>Fraport AG</i></p> <p>Article 3 Oversight C 5. f)</p> <p>Editorial f) take enforcement measures as appropriate.</p> <p>Proposed Text f) require the authority to take enforcement measures as appropriate</p> <p>Fraport AG: There is danger of staff taking on the spot action. Should be addressed through the responsible authority and not through individuals.</p>
response	<p><i>Not accepted</i></p> <p>With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. When authorised the inspector may take action on behalf of the authority. Please note generally the changes made to Art. 3.</p> <p>Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement". Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:</p>

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

3592

comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#107](#)

UAF NPA 2011-20 (B.I) CR Art.3, 5. (f)

Référence: art. 3, 5. (f)

Traduction de courtoisie

It is appropriate to delete the (f).

« ~~Take enforcement measures as appropriate.~~ »

The provisions of the (f) imply the possibility of a direct action by the staff of the competent authority in charge of the certification and monitoring to take directly enforcement measures. This is in contradiction with the ADR.AR.C.055 where it is specified that before taking such measures, it is to go through a process defined in ADR.ARC.055.

response

Not accepted

With Art. 3 (5) (now Art. 3 (6)) on the authorisation/empowerment of authority personnel EASA is transposing a necessary element of effective regulatory oversight. It mirrors 5.5 in ICAO doc. 9774 under 5.5 Qualifications, duties and responsibilities of aerodrome inspectors. The duties to undertaken and decide on appropriate enforcement measures is covered under 5.5.4 (e). Being authorised to do so is a needed element for the inspectors and the authority should grant this authority formally. In extreme cases even an on the spot action might be necessary. Aerodromes should trust that inspectors are well trained and take appropriate decisions based on facts. When authorised the inspector may take action on behalf of the authority.

Please note generally the changes made to Art. 3.

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an

aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

Draft Commission Regulation - Article 4 - Notification to the Agency

p. 11

comment	<p>480 comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i></p> <p>Rule in Art. 4 is a contradiction to Article 4 (3b) of (EC) No 216/2008 in a general manner.</p> <p>Therefore notifications have to be done by the member states and not by the competent authorities. This is valid in particular for the case, if the "Member State" has designated more than one entity as "Competent Authority" ref. to Art. 3(2).</p>
response	<p><i>Accepted</i></p> <p>Change was made to make this a requirement on the Member States.</p>
comment	<p>717 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>Mitteilungen an die EASA haben nicht durch die zuständigen Luftfahrtbehörden (competent authority) sondern durch die jeweiligen Mitgliedsstaaten zu erfolgen. Dies ist insbesondere für die Mitgliedsstaaten entscheidend, die mehrere Luftfahrtbehörden mit den "ADR"-Aufgaben im Sinne des Artikels 3(2) bestimmen.</p> <p>Die Regelung in Artikel 4 stellt sinngemäß einen Widerspruch zu Artikel 4 (3b) der "Basic Regulation" [VO (EG) 216/2008] dar. Die Worte "competent authorities of" in Artikel 4 sind zu streichen.</p> <p><i>Notifications have to be done by the member states and not by the competent authorities. This is valid in particular for the case, if the "Member State" has designated more than one entity as "Competent Authority" ref. to Art. 3(2).</i></p>

The rule in Art. 4 is a contradiction to Article 4 (3b) of (EC) No 216/2008 in a general manner. Cross out the words "competent authorities of" in Article 4.

response *Accepted*

Change was made to make this a requirement on the Member States.

comment 718 comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

In Artikel 4 ist ein Bezugsjahr bzw. ein Bezugszeitpunkt anzugeben, für den die Anzahl der Passagier- und/oder Frachtbewegungen zu ermitteln sind. Es ist weiterhin zu überlegen ob es nicht sinnvoller ist, wenn die Passagierzahlen und/oder die Frachtmengen anstatt der Bewegungszahlen als Entscheidungskriterium heranzuziehen sind, ob ein Flugplatz unter die Regeln der "Basic Regulation" bzw. der "ADR-Regeln" fällt.

In article 4 a year of reference and/or a reference time is to be indicated, for which the number of passengers and cargo movements of the aerodrome have to be notified to the Agency. It is further to be considered whether it is more meaningful, if the passenger numbers and the cargo quantities are to be consulted instead of the movement numbers as the decision criteria whether an aerodrome applies to the provisions of the "Basic Regulation" [(EC) No 216/2008] and the ADR-Regulation.

response *Not accepted*

Not needed. The reference year can be derived from the date when the new regulation shall enter into force. This maybe at the end of 2013 as is required by Art. 3 of Regulation 1108/2009. Then add three months.

comment 2451 comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- Draft Commission Regulation - Article 4 – Notification to the Agency (p11)
- Draft Commission Regulation - Article 5 – Exemptions (p11-12)

2. Justification and proposed text / comment

This comment is **critical**, and induces huge administrative burden: it is linked to the comment on Administrative Burden (see comments: n°1010 in Book I and n°855 in Book II).

EASA should trust the Member States and not ask them to notify too many things nor send too many information: it should not be asked to Member States to send aerodromes names with number of passengers, nor traffic figures.

When standardizing Member States, the EASA will inspect them and verify these points.

It is consequently proposed to delete article 4 of the Cover Regulation, and to amend article 5 of the Cover Regulation, as follows:

"Article 4**~~Notification to the Agency~~**

~~Within three months after the coming into force of this Regulation, the competent authorities of the Member States shall notify the Agency of the names of the aerodromes and the aerodrome operators, as well as the number of passengers and cargo movements of the aerodromes to which the provisions of Regulation (EC) No 216/2008 and this Regulation apply."~~

"Article 5**Exemptions**

1. [...]

2. ~~The competent authority of the Member State shall, on annual basis within the first three months of the calendar year, review the traffic figures and report them to the Commission and the Agency, and revoke the exemption if the relevant traffic figures at that aerodrome are exceeded for three consecutive years.~~

[...]"

response *Not accepted*

EASA needs an overview over the airports that fall under the regulation. To leave this when standardisation will start some years later is not a feasible solution.

Draft Commission Regulation - Article 5 - Exemptions

p. 11-12

comment

30

comment by: *ACI EUROPE - Airports Council International*

delete 1(b) and 3 (a)

Justification: Restricting exemptions (in contrary to the BR which allows exemptions).

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport

should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

181

comment by: *Zürich Airport*

Relating to para. 1 (b) (iii)

The progress how "the aerodrome offers a level of safety" should be defined.

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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comment

186

comment by: *MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen*

In some paragraphs of Art. 5 the "Competent Authority (CA)" is the acting institution. This is a contradiction to Article 4 (3b) of (EC) No 216/2008, because herein it was specified, that only the "Member State" is empowered to decide whether exemptions can be granted. Therefore only the "Member State" can be specified as the acting institution in Art. 5. This is valid in particular for the case, if the "Member State" has designated more than one entity as "Competent Authority" ref. to Art. 3(2). Change the words "competent authority" to "Member State" in all paragraphs of Article 5.

(b) (ii) definition is missing "international operation"

response

Accepted

Please note that EASA has reworked this Article so that it more closely

reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

207

comment by: *SWISS AERODROMES ASSOCIATION*

Exemptions must ensure that whatever evolution on/at existing exempted aerodromes, all prevailing, existing and accepted specificities will be further accepted even if such an aerodrome later enters into the scope of the BR (see also comment to Article 7).

Art. 5, 1. b) has to be deleted. It is an excessive requirement that makes no sense.

response

Not accepted

This comment does not talk of the same concept of exemptions as is the case in the article. This one is about the possible (temporary) exemption from the scope of the BR if certain passenger and cargo figures are given.

comment

281

comment by: *BAA Airside operations*

Article 5, 1, b
Delete "a declaration"

There is no need for such a declaration - that is inherent in the issuing of the certificate that the required criteria are met. There is no need for a declaration process.

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the

exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment	<p>325 comment by: <i>Danish Transport Authority</i></p> <p>According to ICAO Annex 14, volume I following standard is outlined: "States shall certify aerodromes used for international operations in accordance with the specifications contained in this Annex as well as other relevant ICAO specifications through an appropriate regulatory framework." The regulation should reflect this issue (ii) and stated that certification accordance to ICAO Annex 14, volume I would be a level of safety (iii) that covers BR 216, Annex Va.</p>
response	<p><i>Partially accepted</i></p> <p>It is indeed the case that the Annex 14 Standards for international airports having to be certified in accordance with the requirements of that annex 14 remain in place and EASA member states have to ensure that. We offered in the NPA version of the article an interpretation of the difficult language of the BR regarding this matter. This was rejected by the majority of the commentators saying that EASA has no legal basis for the proposed declaration and minimum certification requirements (national regime) that is required. The Agency agrees with your comment and points out that member states have to fulfil their ICAO obligations in all circumstances and particularly when the BR and its implementing rules remain silent on a matter or do not give practical guidance on who these ICAO obligation can be met.</p>
comment	<p>366 comment by: <i>Edinburgh Airport</i></p> <p>Article 5,1 (b) Delete Justification - There is no need for such a declaration - this is implicit in the issuing of the certificate.</p>
response	<p><i>Accepted</i></p> <p>Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:</p>

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

453

comment by: *Bristol Airport - BRS/EGGD*

Article 5, 1, (b)	Delete	There is no need for such a declaration – that is implicit in the issuing of the certificate.
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response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

456

comment by: *Avinor*

	Article 5. Delete 1(b) and 3 (a). Restricting exemptions (in contrary to the BR which allows exemptions)
response	<p><i>Accepted</i></p> <p>Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:</p> <p>Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.</p> <p>Secondly, the information/notification to the other member states and the Commission was dropped.</p> <p>Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.</p>
comment	<p>555 comment by: <i>CAA Austria - Ministry of Transport</i></p> <p>Delete 1(b) and 3 (a)</p> <p>(b) (iii) define "the aerodrome offers a level of safety" - unclear definition</p>
response	<p><i>Accepted</i></p> <p>Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:</p> <p>Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.</p> <p>Secondly, the information/notification to the other member states and the Commission was dropped.</p> <p>Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while</p>

EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

716

comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

In mehreren Abschnitten des Artikel 5 wird die zuständige Luftfahrtbehörde (competent authority) als agierende Institution aufgeführt. Dies stellt einen eklatanten Widerspruch zu Artikel 4 (3b) der "Basic Regulation" [VO (EG) 216/2008] dar. Dort ist eindeutig festgelegt, dass nur die Mitgliedsstaaten und nicht die Luftfahrtbehörden über Ausnahmen zu entscheiden haben. Dies ist insbesondere für die Mitgliedsstaaten entscheidend, die mehre Luftfahrtbehörden mit den "ADR-"Aufgaben im Sinne des Artikels 3(2) bestimmen. Die Worte "competent authority" sind in Artikel 5 sämtlich gegen die Worte "member state" auszutauschen.

In some paragraphs of Art. 5 the "Competent Authority (CA)" is the acting institution. This is a contradiction to Article 4 (3b) of (EC) No 216/2008, because herein it was specified, that only the "Member State" is empowered to decide whether exemptions can be granted. Therefore only the "Member State" can be specified as the acting institution in Art. 5. This is valid in particular for the case, if the "Member State" has designated more than one entity as "Competent Authority" ref. to Art. 3(2). Change the words "compentent authority" to "Member State" in all paragraphs of Article 5.

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment	<p>719 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>In Artikel 5(1)(b)(ii) fehlt eine Definition für den Ausdruck "international operations". Ist hierunter nur gewerblicher Luftverkehr zu verstehen? Ist hier nur Verkehr in bzw. aus Drittlandstaaten zu verstehen?</p> <p><i>A definition is missing in Art. 5(1)(b)(ii) for the expression "international operations". Only "Commercial Air Transport" ist meant? Only operations to/from "Third Countries" are meant?</i></p>
response	<p><i>Noted</i></p> <p>International traffic was taken from Annex 14 standard 1.4.1 where it is also not defined. Please find a workable definition for yourself. Please note that the Art. 5 of the draft regulation has been substantially reworded, leaving the choice of oversight regime over the exempted airports much more in the hands of the member states, as the legal basis for the draft Art.5 in the NPA version was doubted. Please read the new Art. 5.</p>
comment	<p>723 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>Die Ausführungen "...at least as effective as that required by the essential requirements as defined in Annex Va and Vb if applicable, to (EC) No 216/2008" in Artikel 5(1)(b)(iii) stellen einen Widerspruch bzw. eine unzulässige Einschränkung der Vorschrift aus Artikel 4 (3b) der "Basic Regulation" [VO (EG) 216/2008] dar, in der sinngemäß ausgeführt wird, dass ein Mitgliedsstaat einem Flugplatz Ausnahmen von allen Bestimmung der VO (EG) 261/2008 erteilen kann. Eine Beschränkung/Einschränkung der Ausnahmemöglichkeiten sieht die "Basic Regulation" nicht vor. Es ist in keinster Weise begründet, warum bei Ausnahmeerteilungen die Anforderungen gemäß Anhang Va bzw. Anhang Vb nachzuweisen sind.</p> <p><i>The words "...at least as effective as that required by the essential requirements as defined in Annex Va and Vb if applicable, to (EC) No 216/2008" in Art. 5(1)(b)(iii) represents a contradiction and/or a restriction to Article 4 (3b) of (EC) No 216/2008, where it is implemented, that a "Member State" may decide to exempt an aerodrome from all provisions of (EC) No 216/2008.</i></p>
response	<p><i>Accepted</i></p> <p>Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:</p> <p>Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.</p> <p>Secondly, the information/notification to the other member states and the Commission was dropped.</p> <p>Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the</p>

Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment 729 comment by: *Airport Nuremberg - NUE/EDDN*
 For an exemption according to (EC) No 216/2008, paragraph (a) is sufficient enough, 1(b) should be deleted.

response *Accepted*
 Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:
 Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.
 Secondly, the information/notification to the other member states and the Commission was dropped.
 Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment 794 comment by: *Union des Aéroports français - UAF*
 Attachment [#108](#)
 UAF NPA 2011-20 (B.I) CR Art.5, 1. (b) et 3. (a)
 Référence: art.5, 1. (b) et (3) (a)
 "The aerodrome offers a level of safety that is at least as effective as that required [...] to Regulation (EC) No 216/2008."
 Traduction de courtoisie
 We do not understand what does "level of safety" exactly means. This notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in

the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an aerodrome and on the other hand it relates to a level of safety concerning a certification specification (CS).

So, we suggest deleting the (1) (b) (iii).

We also suggest deleting the (ii). Indeed, this is contrary to the basic regulation which does not have any rules concerning aerodrome with international traffic. Moreover the cover regulation exceeds the basic regulation n°216/2008 on this point.

The (1) (b) (i) is useless and might be deleted for simplification.

Consequently to these deletions, the (3) (a) should also be deleted.

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

960

comment by: *Munich Airport International*

1 (b): delete

3 (a): delete

Justification: restricting exemptions (in contrary to the BR which allows exemptions)

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

992

comment by: ADP : Aeroports de Paris

Référence: art.5, 1. (b) et (3) (a)

"The aerodrome offers a level of safety that is at least as effective as that required [...] to Regulation (EC) No 216/2008."

Proposition/commentaire

Nous ne comprenons pas la signification exacte du terme "level of safety" pour les aérodromes. Cette notion qui peut être compréhensible pour l'ATC (contrôle du trafic aérien) ne l'est pas pour les aérodromes tant que les critères d'évaluation de niveau ne seront pas établis. Par ailleurs, l'utilisation de ce terme dans la « cover regulation » donne un sens différent de celui qui est dans le règlement de base dans la mesure où d'un côté il s'agit d'un niveau de sécurité d'un aérodrome (« cover regulation ») et de l'autre d'un équivalent d'un niveau de sécurité en rapport à une spécification de certification (CS).

Nous proposons donc de supprimer le (1) (b) (iii).

Par ailleurs, nous proposons également de supprimer le (ii). En effet, cela est contraire au règlement de base qui ne donne aucune règle particulière en ce qui concerne les aérodromes recevant du trafic international. De plus, les aérodromes se retrouvent hors du champ du règlement. En ce sens la « cover regulation » outrepassse le règlement n°216/2008.

Le (1) (b) (i) nous apparaît inutile et pour des raisons de simplification pourrait être aisément supprimé.

En conséquence de ces suppressions, le (3) (a) serait également à supprimer.

Justification

Traduction de courtoisie

We do not understand what does "level of safety" exactly means. This notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in

the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an aerodrome and on the other hand it relates to a level of safety concerning a certification specification (CS).

So, we suggest deleting the (1) (b) (iii).

We also suggest deleting the (ii). Indeed, this is contrary to the basic regulation which does not have any rules concerning aerodrome with international traffic. Moreover the cover regulation exceeds the basic regulation n°216/2008 on this point.

The (1) (b) (i) is useless and might be deleted for simplification.

Consequently to these deletions, the (3) (a) should also be deleted.

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment 1068

comment by: *Cologne/Bonn Airport*

Delete 1(b) and 3(a) these are restricting exemptions

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment	<p>1314 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>1. Art. 5.1: "...notify the Commission, the Agency and other Member States..."; Notification of Commission and other Member States should not be the responsibility of the competent authority. Justification: Agency as Single Point of Contact for Member States; Coordination effort shall be provided by EASA (Notification to Commission and other Member States); unacceptable administrative workload for the Member States.</p> <p>2. Art. 5.2: "...report them to the Commission and the Agency..."; Notification of Commission is not task of the competent authority. Justification: Agency must be considered as Single Point of Contact for Member States; Coordination effort shall be provided by EASA (Notification to Commission and other Member States); unacceptable administrative workload for the Member States.</p> <p>3. Art. 5 (1b and 3a): The effect of the exemption on these requirements is insignificant; unacceptable administrative workload for Member States delete 1b and 3a of Article 5.</p>
response	<p><i>Accepted</i></p> <p>Art. 5.1 and 5.2: notify was changed into inform. Circle of those to who to inform was made more limited. Art. 5 1b and 3a: were dropped. Please look a the new Art. 5 and also look at the response given to other comments.</p>

comment	<p>1485 comment by: <i>Stansted Airport</i></p> <p>Article 5, 1, (b)</p> <p>Delete</p> <p>There is no need for such a declaration – that is inherent in the issuing of the certificate.</p>
response	<p><i>Accepted</i></p>

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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comment

1550

comment by: CAA Norway

We suggest to remove the requirement to notify the Commission and other member states in Article 5 paragraph 1. The competent authority should only be required to notify the Agency, just like article 4. The Agency could forward it to the Commission and MS.

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

1552

comment by: CAA Norway

We suggest to remove the requirement to notify the Commission in Article 5 paragraph 2. The competent authority should only be required to notify the Agency. The Agency could forward it to the Commission.

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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comment

1569

comment by: Euroairport Bâle-Mulhouse

Attachment [#109](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.5, 1. (b) et 3. (a)

Référence: art.5, 1. (b) et (3) (a)
 "The aerodrome offers a level of safety that is at least as effective as that required [...] to Regulation (EC) No 216/2008."

Traduction de courtoisie

We do not understand what does "level of safety" exactly means. This notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an aerodrome and on the other hand it relates to a level of safety concerning a certification specification (CS).

So, we suggest deleting the (1) (b) (iii).

We also suggest deleting the (ii). Indeed, this is contrary to the basic

regulation which does not have any rules concerning aerodrome with international traffic. Moreover the cover regulation exceeds the basic regulation n°216/2008 on this point.

The (1) (b) (i) is useless and might be deleted for simplification.

Consequently to these deletions, the (3) (a) should also be deleted.

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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comment

1785

comment by: *Geneva International Airport (ROMIG)*

Delete 1(b) and 3 (a). These articles restrict exemptions (in contrary to the BR which allows exemptions). This is also an increase in unnecessary administrative work.

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

1841

comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

Article 5	delete 1(b) and 3 (a)	restricting exemptions (in contrary to the BR which allows exemptions)
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response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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comment

1863

comment by: *Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH*

delete 1(b) and 3 (a)

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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comment

1909

comment by: *Aéroports De Lyon*

1. (b) (iii) "a level of safety that is at least as effective as that required by the essential requirements..."
Quels sont les critères? Comment détermine t-on de manière précise un niveau de sécurité efficace?

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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comment

1945

comment by: *Aéroport de Marseille - MRS/LFML*

We do not understand what does "level of safety" exactly means. This

notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an aerodrome and on the other hand it relates to a level of safety concerning a certification specification (CS).

So, we suggest deleting the (1) (b) (iii).

We also suggest deleting the (ii). Indeed, this is contrary to the basic regulation which does not have any rules concerning aerodrome with international traffic. Moreover the cover regulation exceeds the basic regulation n°216/2008 on this point.

The (1) (b) (i) is useless and might be deleted for simplification.

Consequently to these deletions, the (3) (a) should also be deleted.

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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comment 2009

comment by: *Airport Operators Association*

Article 5, 1 (b) This should be deleted

Justification - There is no need for such a declaration – that is implicit in the issue of the certificate.

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

2016

comment by: *East Midlands Airport - EMA/EGNX*

1 (b) Delete

Justification: There is no need for such a declaration – that is implicit in the issuing of the certificate.

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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comment

2087

comment by: *Bavarian Ministry of Economic Affairs,*

Infrastructure, Transport and Technology

Art. 5 para 1, subpara (b) as well as Art. 5 para 3, subpara (a) should be deleted because these parts would go far beyond the exemption requirements set forth in the Basic Regulation.

According to Art. 4 para 3b, an aerodrome exempted from the rules of the Basic Regulation would NOT be required to be in compliance with those rules. Therefore, it would be inconsistent to ask the competent authority to issue a declaration confirming, inter alia, that the aerodrome would be in compliance with certain requirements of the Basic Regulation.

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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comment 2240

comment by: *Finnish Transport Safety Agency*

We suggest to remove the requirement to notify the Commission and other member states in Article 5 paragraph 1. The competent authority should only be required to notify the Agency, just like article 4. The Agency could forward it to the Commission and MS.

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Firthingly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment 2242 comment by: *Finnish Transport Safety Agency*

We suggest to remove the requirement to notify the Commission in Article 5 paragraph 2. The competent authority should only be required to notify the Agency. The Agency could forward it to the Commission.

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment 2261 comment by: *Pau Pyrénées Airport - PUF/LFBP*

art.5.1.b et 3.a

We do not understand what does "level of safety" exactly means. This notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an

aerodrome and on the other hand it relates to a level of safety concerning a certification specification (CS).

So, we suggest deleting the (1) (b) (iii).

We also suggest deleting the (ii). Indeed, this is contrary to the basic regulation which does not have any rules concerning aerodrome with international traffic. Moreover the cover regulation exceeds the basic regulation n°216/2008 on this point.

The (1) (b) (i) is useless and might be deleted for simplification.

Consequently to these deletions, the (3) (a) should also be deleted.

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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comment

2271

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#110](#)

ADBM - NPA 2011-20 (B.I) CR Art.5, 1. (b) et 3. (a)

Référence: art.5, 1. (b) et (3) (a)

"The aerodrome offers a level of safety that is at least as effective as that required [...] to Regulation (EC) No 216/2008."

Traduction de courtoisie

We do not understand what does "level of safety" exactly means. This notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an aerodrome and on the other hand it relates to a level of safety concerning

a certification specification (CS).
 So, we suggest deleting the (1) (b) (iii).
 We also suggest deleting the (ii). Indeed, this is contrary to the basic regulation which does not have any rules concerning aerodrome with international traffic. Moreover the cover regulation exceeds the basic regulation n°216/2008 on this point.
 The (1) (b) (i) is useless and might be deleted for simplification.
 Consequently to these deletions, the (3) (a) should also be deleted.

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

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comment

2294

comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#111](#)

UAF NPA 2011-20 (B.I) CR Art.5, 1. (b) et 3. (a)

Référence: art.5, 1. (b) et (3) (a)

"The aerodrome offers a level of safety that is at least as effective as that required [...] to Regulation (EC) No 216/2008."

Traduction de courtoisie

We do not understand what does "level of safety" exactly means. This notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an aerodrome and on the other hand it relates to a level of safety concerning a certification specification (CS).

So, we suggest deleting the (1) (b) (iii).

We also suggest deleting the (ii). Indeed, this is contrary to the basic regulation which does not have any rules concerning aerodrome with

international traffic. Moreover the cover regulation exceeds the basic regulation n°216/2008 on this point.
The (1) (b) (i) is useless and might be deleted for simplification.
Consequently to these deletions, the (3) (a) should also be deleted.

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment 2341 comment by: *LJL Airport - Liverpool John Lennon Airport*

Article 5, 1, (b)	Delete	There is no need for such a declaration – that is implicit in the issuing of the certificate.
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response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

2387

comment by: *ATB Aéroport Toulouse-Blagnac - TLS/LFBO*Attachment [#112](#)

ATB NPA 2011-20 (B.I) CR Art.5, 1. (b) et 3. (a)

Référence: art.5, 1. (b) et (3) (a)

"The aerodrome offers a level of safety that is at least as effective as that required [...] to Regulation (EC) No 216/2008."

Traduction de courtoisie

We do not understand what does "level of safety" exactly means. This notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an aerodrome and on the other hand it relates to a level of safety concerning a certification specification (CS).

So, we suggest deleting the (1) (b) (iii).

We also suggest deleting the (ii). Indeed, this is contrary to the basic regulation which does not have any rules concerning aerodrome with international traffic. Moreover the cover regulation exceeds the basic regulation n°216/2008 on this point.

The (1) (b) (i) is useless and might be deleted for simplification.

Consequently to these deletions, the (3) (a) should also be deleted.

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

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member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

2421

comment by: *Aéroport Paris Vatry - XCR/LFOK*Attachment [#113](#)

NPA 2011-20 (B.I) CR Art.5, 1. (b) et 3. (a)

Référence: art.5, 1. (b) et (3) (a)

"The aerodrome offers a level of safety that is at least as effective as that required [...] to Regulation (EC) No 216/2008."

Traduction de courtoisie

We do not understand what does "level of safety" exactly means. This notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an aerodrome and on the other hand it relates to a level of safety concerning a certification specification (CS).

So, we suggest deleting the (1) (b) (iii).

We also suggest deleting the (ii). Indeed, this is contrary to the basic regulation which does not have any rules concerning aerodrome with international traffic. Moreover the cover regulation exceeds the basic regulation n°216/2008 on this point.

The (1) (b) (i) is useless and might be deleted for simplification.

Consequently to these deletions, the (3) (a) should also be deleted.

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

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comment

2451 ❖

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- Draft Commission Regulation - Article 4 - Notification to the Agency (p11)
- Draft Commission Regulation - Article 5 - Exemptions (p11-12)

2. Justification and proposed text / comment

This comment is **critical**, and induces huge administrative burden: it is linked to the comment on Administrative Burden (see comments: n°1010 in Book I and n°855 in Book II).

EASA should trust the Member States and not ask them to notify too many things nor send too many information: it should not be asked to Member States to send aerodromes names with number of passengers, nor traffic figures.

When standardizing Member States, the EASA will inspect them and verify these points.

It is consequently proposed to delete article 4 of the Cover Regulation, and to amend article 5 of the Cover Regulation, as follows:

"Article 4**Notification to the Agency**

~~Within three months after the coming into force of this Regulation, the competent authorities of the Member States shall notify the Agency of the names of the aerodromes and the aerodrome operators, as well as the number of passengers and cargo movements of the aerodromes to which the provisions of Regulation (EC) No 216/2008 and this Regulation apply."~~

"Article 5**Exemptions**

1. [...]

2. *The competent authority of the Member State shall, on annual basis within the first three months of the calendar year, review the traffic figures and report them to the Commission and the Agency, and revoke the exemption if the relevant traffic figures at that aerodrome are exceeded for three consecutive years.*

[...]"

response

Partially accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Your specific request: We however strongly believe that the Agency should be informed at the outset of the exempted airports, otherwise it has no overview over which airports EU-wide the BR and its implementing rules are applicable.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

2514

comment by: *Tarbes-Lourdes-Pyrénées airport*Attachment [#114](#)

NPA 2011-20 (B.I) CR Art.5, 1. (b) et 3. (a)

Réf rence: art.5, 1. (b) et (3) (a)

"The aerodrome offers a level of safety that is at least as effective as that required [...] to Regulation (EC) No 216/2008."

Traduction de courtoisie

We do not understand what does "level of safety" exactly means. This notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an aerodrome and on the other hand it relates to a level of safety concerning a certification specification (CS).

So, we suggest deleting the (1) (b) (iii).

We also suggest deleting the (ii). Indeed, this is contrary to the basic regulation which does not have any rules concerning aerodrome with international traffic. Moreover the cover regulation exceeds the basic regulation n 216/2008 on this point.

The (1) (b) (i) is useless and might be deleted for simplification.

Consequently to these deletions, the (3) (a) should also be deleted.

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to

national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment 2516 comment by: *Shannon Airport*
DAA supports the period of 48 months for certificates issued prior to the entry into force of this Regulation remaining valid.

response *Noted*
This comment is misplaced here.

comment 2587 comment by: *Infratil Airports Europe Ltd*
Page No: 12
Paragraph No: Article 5, 1, (b)
Comment: There is no need for such a declaration – that is implicit in the issuing of the certificate.

response *Accepted*
Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

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as the member states see fit.

comment

2732

comment by: AENA - Aeropuertos Españoles y Navegación
Aérea

It is a critical point.

We do not agree why the State will revoke the exemption if the relevant traffic figures at that aerodrome are exceeded for three consecutive years. This should not have any relation with safety, because the aerodrome should have taken actions to improve the safety at the aerodrome or at least maintain it.

Before to revoke the exemption the competent authority shall require to revise the safety study to check that the level of safety are not enough to maintain that level of traffic.

It could be happened that an aerodrome have an exemption for something that not affect significantly to safety and it will not be able to increase its traffic, it is not logic.

Thus, it is proposed:

**"Article 5
Exemptions**

1. [...]

2. *The competent authority of the Member State shall, on annual basis within the first three months of the calendar year, review the traffic figures and report them to the Commission and the Agency, and require to aerodrome operator to revise its safety study and justify its new level of safety in the aerodrome ~~revoke the exemption~~ if the relevant traffic figures at that aerodrome are exceeded for three consecutive years. [...]"*

(C) the relevant passenger and cargo traffic figures have been surpassed over the last three consecutive years and the State have not accepted the increase of traffic at that aerodrome

response

Not accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the

manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

Your specific request: The airports that cease to fulfil the traffic figures of mentioned in the BR are consequently subject to the BR and its implementing rules. This is not about exemptions regarding deviations from the infrastructure Certification Specification s. The exemptions in accordance with Art. 4 (3b).

comment 2809 comment by: *Aberdeen Airport Airside Operations*
1 (b) Delete
There is no need for such a declaration - this is inherent in the issuing of the certificate

response *Accepted*
Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment 2966 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: art.5, 1. (b) et (3) (a)	"The aerodrome offers a level of safety that is at least as effective as that required [...] to Regulation (EC) No 216/2008."
Proposition/commentaire	Nous ne comprenons pas la signification

	<p>exacte du terme "level of safety" pour les aérodromes. Cette notion qui peut être compréhensible pour l'ATC (contrôle du trafic aérien) ne l'est pas pour les aérodromes tant que les critères d'évaluation de niveau ne seront pas établis. Par ailleurs, l'utilisation de ce terme dans la « cover regulation » donne un sens différent de celui qui est dans le règlement de base dans la mesure où d'un côté il s'agit d'un niveau de sécurité d'un aérodrome (« cover regulation ») et de l'autre d'un équivalent d'un niveau de sécurité en rapport à une spécification de certification (CS).</p> <p>Nous proposons donc de supprimer le (1) (b) (iii). Par ailleurs, nous proposons également de supprimer le (ii). En effet, cela est contraire au règlement de base qui ne donne aucune règle particulière en ce qui concerne les aérodromes recevant du trafic international. De plus, les aérodromes se retrouvent hors du champ du règlement. En ce sens la « cover regulation » outrepassa le règlement n°216/2008.</p> <p>Le (1) (b) (i) nous apparaît inutile et pour des raisons de simplification pourrait être aisément supprimé.</p> <p>En conséquence de ces suppressions, le (3) (a) serait également à supprimer.</p>
Justification	
Traduction de courtoisie	<p>We do not understand what does "level of safety" exactly means. This notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an aerodrome and on the other hand it relates to a level of safety concerning a certification specification (CS).</p> <p>So, we suggest deleting the (1) (b) (iii). We also suggest deleting the (ii). Indeed, this is contrary to the basic regulation which does not have any rules concerning aerodrome with international traffic. Moreover the cover regulation exceeds the basic regulation n°216/2008 on this point.</p>

	<p>The (1) (b) (i) is useless and might be deleted for simplification.</p> <p>Consequently to these deletions, the (3) (a) should also be deleted.</p>
response	<p><i>Accepted</i></p> <p>Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:</p> <p>Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.</p> <p>Secondly, the information/notification to the other member states and the Commission was dropped.</p> <p>Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.</p>
comment	<p>3018 comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i></p> <p>Art. 5 Art. 5 para 1, subpara (b) as well as Art. 5 para 3, subpara (a) should be deleted because these parts would go far beyond the exemption requirements set forth in the BR. According to Art. 4 para 3b, an aerodrome exempted from the rules of the Basic Regulation would not be required to be in compliance with those rules. Therefore, it would be inconsistent to ask the competent authority to issue a declaration confirming, inter alia, that the aerodrome would be in compliance with certain requirements of the Basic Regulation.</p>
response	<p><i>Accepted</i></p> <p>Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:</p> <p>Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.</p>

Secondly, the information/notification to the other member states and the Commission was dropped.

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comment 3099 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
 Contradiction of the BR, delete 1(b) and 3 (a)

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment 3110 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

S

SEARD NPA 2011-20 (B.I) CR Art.5, 1. (b) et 3. (a)

Commentaires de la Société d'Exploitation des Aéroports de Rennes et Dinard

Référence: art.5, 1. (b) et (3) (a)	"The aerodrome offers a level of safety that is at least as effective as that required [...] to Regulation (EC) No 216/2008."
Proposition/commentaire	<p>Nous ne comprenons pas la signification exacte du terme "level of safety" pour les aéroports. Cette notion qui peut être compréhensible pour l'ATC (contrôle du trafic aérien) ne l'est pas pour les aéroports tant que les critères d'évaluation de niveau ne seront pas établis. Par ailleurs, l'utilisation de ce terme dans la « cover regulation » donne un sens différent de celui qui est dans le règlement de base dans la mesure où d'un côté il s'agit d'un niveau de sécurité d'un aéroport (« cover regulation ») et de l'autre d'un équivalent d'un niveau de sécurité en rapport à une spécification de certification (CS).</p> <p>Nous proposons donc de supprimer le (1) (b) (iii). Par ailleurs, nous proposons également de supprimer le (ii). En effet, cela est contraire au règlement de base qui ne donne aucune règle particulière en ce qui concerne les aéroports recevant du trafic international. De plus, les aéroports se retrouvent hors du champ du règlement. En ce sens la « cover regulation » outrepassse le règlement n°216/2008.</p> <p>Le (1) (b) (i) nous apparaît inutile et pour des raisons de simplification pourrait être aisément supprimé.</p> <p>En conséquence de ces suppressions, le (3) (a) serait également à supprimer.</p>
Justification	
Traduction de courtoisie	<p>We do not understand what does "level of safety" exactly means. This notion that might be understood by ATC cannot be understood by airports while level evaluation criteria are not established. The use of this term in the cover regulation involves a different meaning of the same term in the basic regulation because on one hand it relates to a level of safety on an aerodrome and on the other hand it relates to a level of safety concerning a certification specification (CS).</p> <p>So, we suggest deleting the (1) (b) (iii). We also suggest deleting the (ii). Indeed, this is contrary to the basic regulation</p>

	<p>which does not have any rules concerning aerodrome with international traffic. Moreover the cover regulation exceeds the basic regulation n°216/2008 on this point.</p> <p>The (1) (b) (i) is useless and might be deleted for simplification.</p> <p>Consequently to these deletions, the (3) (a) should also be deleted.</p>
response	<p><i>Accepted</i></p> <p>Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:</p> <p>Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.</p> <p>Secondly, the information/notification to the other member states and the Commission was dropped.</p> <p>Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.</p>
comment	<p>3111 comment by: <i>Isavia</i></p> <p>Article 5. Delete 1(b) and 3 (a). Restricting exemptions (in contrary to the BR which allows exemptions)</p>
response	<p><i>Accepted</i></p> <p>Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:</p> <p>Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.</p> <p>Secondly, the information/notification to the other member states and the Commission was dropped.</p>

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment 3277 comment by: *Southampton Airport*
 There us no need for a declaration as per Article 5,1, (b) - this should be included as part of the certification process.

response *Accepted*
 Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:
 Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.
 Secondly, the information/notification to the other member states and the Commission was dropped.
 Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment 3349 comment by: *ADV -German Airports Association*
 Comment
 delete 1(b) and 3 (a)
 Justification
 restricting exemptions (in contrary to the BR which allows exemptions)

response *Accepted*

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment	<p>3353 comment by: <i>MST / STR - Stuttgart Airport</i></p> <p>Comment delete 1(b) and 3 (a)</p> <p>Justification restricting exemptions (in contrary to the BR which allows exemptions)</p>
response	<p><i>Accepted</i></p> <p>Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:</p> <p>Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.</p> <p>Secondly, the information/notification to the other member states and the Commission was dropped.</p> <p>Firthly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport</p>

should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

3449

comment by: *Fraport AG*

Article 5 - Exemptions 1. (b)

Editorial

(b) a declaration and assessment that:
 (i) the requirements set forth by Article 4(3b) of Regulation (EC) No 216/2008 are met,
 (ii) the aerodrome is certified by the competent authority of that Member State, if it is used for international operations, and
 (iii) the aerodrome offers a level of safety that is at least as effective as that required by the essential requirements as defined in Annex Va, and Vb if applicable, to Regulation (EC) No 216/2008.

DELETE paragraph 1(b)

Fraport

AG:

Restricting exemptions (in contrary to the BR which allows exemptions).

response

Accepted

Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following:

Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities.

Secondly, the information/notification to the other member states and the Commission was dropped.

Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

comment

3450

comment by: *Fraport AG*

Article 5 - Exemptions 3. (a)

Editorial

	(a) any of the requirements set forth in paragraph (1)(b) are not met; or DELETE paragraph 3(a)
	Fraport AG: Restricting exemptions (in contrary to the BR which allows exemptions).
response	<i>Accepted</i> Please note that EASA has reworked this Article so that it more closely reflects the BR, even though it is thereby less concrete as to what regulatory regime these exempted airports should be under. The larger changes of the Article are the following: Firstly, it shall be the member states that should inform the Agency of the exempted airports, and not the competent authorities. Secondly, the information/notification to the other member states and the Commission was dropped. Thirdly, instead of exempted airports having to be certified according to national rules, EASA refers to these airports as having to meet "general safety objectives", without defining these further. Ultimately this was brought due to comments received in the review meetings that the Member States should be left to interpret the BR in this regard in the manner they see fit, instead of EASA giving its interpretation. This leads indeed to a situation in which an airport with international traffic should be certified in accordance with Annex 14, as per ICAO Standard 1.4.1, while EASA rules keep silent as to what regulatory oversight such an airport should come under. So while this ICAO standard has to be met by the member states, the aerodromes that are exempted due to their traffic figures but which do not have international traffic, are left to be dealt with as the member states see fit.

Draft Commission Regulation - Article 6 - Conversion of certificates	p. 12-13
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comment	19 comment by: <i>airsight GmbH</i> Article 6, 2. (b): ADR and AO with exiting certificates have to demonstrate compliance only for "new" requirements which are different to "old" national requirements. This could lead to the situation that existing deviations at an ADR are not assessed during conversion just because the requirements don't change. The necessity of an assessment could be seen in conjunction with Article 6, 2. (a) but here the flexibility tool of the DAAD is missing.
response	<i>Noted</i> During the review Art. 6 Conversion of certificates has changed considerably. It is advisable to analyse the changes. Yes indeed, what was previously built to the "de facto" same specification will not have to be reassessed.
comment	99 comment by: <i>Flughafen Düsseldorf GmbH</i>

1. Aerodrome certificates issued by the competent authority to aerodromes and their operators, prior to the coming into force of this Regulation, shall remain valid for a maximum period of 48 months[g1] , following the coming into force of this Regulation

[g1]Was sollen die „aerodrome certificates“ erfassen? Sind hiermit die Betriebsgenehmigungen und die Planfeststellungsbeschlüsse gemeint? Das sollte auf **keinen Fall** gemeint sein und muss hier klargestellt werden, sie müssen weiterhin Bestandskraft haben !!!

Es muss an dieser Stelle klargestellt werden, dass mit „aerodrome certificate“ nur ein älteres Zertifikat gemeint ist, dass die EASA-spezifischen Belange regelt.

Frist sollte erheblich verlängert werden!!!

response *Not accepted*

Of course the german "Betriebsgenehmigung" remains untouched, as it contains many more aspects than just safety. The German federal government has to provide a solution to the Laender on how to handle this legally. In general please remember that the EASA rules are for safety only, which does not have to be mentioned all the time inside the text as it is a given.

48 months are ample time to convert a country's existing certificates. This was the recommendation of the High Level Group on Aerodromes in which ACI represented airports.

comment

182

comment by: *Zürich Airport*

Relating to para. 2 (a)

The concept of acceptable level of safety (ALOS) should be used instead of ELOS. The level of safety of an AMC and GM is generally not known, especially with regard to airport design criteria which are based on ICAO Annex 14. It would require a disproportionate effort if, in case of a deviation from an AMC, an equivalent level of safety has to be demonstrated, as this would involve the calculation of the safety level of the corresponding AMC/GM. The goal of uniformity can not be achieved with this concept, as every airport may calculate the safety level differently. Instead it should be demonstrated to the competent authority that the level of safety is qualitatively acceptable in case of a deviation from an AMC. It's the responsibility of the competent authority to define the ALOS compared to the corresponding AMC/GM and the responsibility of the airport to demonstrate that it can be achieved. Other than the DAAD concept this does not necessarily comprise any action for further risk mitigation.

response

Noted

Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).

comment

184

comment by: *MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen*

Administrative decisions related to the operation and/or construction of airports (including extensions of the infrastructure facilities or modifications of the operating conditions) under German aviation law do not only cover safety issues but a variety of regulatory provisions, e.g. wildlife conservation measures or special conditions concerning aviation noise protection. They may also include the results of an extensive spatial planning procedure. Hence they do not correspond to the defined "certificate" - or "certification" respectively - under the terms of Art. 3 para. (g) and (e) of the Basic Regulation.

Due to that significant difference the current diction of Art. 6 of the draft proposal is highly problematic for it may cause legal uncertainty with regard to the validity of national approvals or planning permissions (plan approval orders).

According to Art. 6 para. 1 of the Cover Regulation aerodrome certificates issued by the competent authority to aerodromes and their operators remain valid for a maximum period of 48 months since entry into force of this Regulation. Judged only by the wording German aerodrome operators seem to be in danger of being deprived of their granted rights to run their business after the end of the transition period although there had been a thorough and in-depth official scrutiny of all the relevant issues long before.

Since the Commission is not empowered neither by Art. 8a para. 5 of the Basic Regulation nor otherwise by European law to regulate all the above mentioned contents of a (German) approval or planning permission nor to declare these decisions void, Art. 6 of the Cover Regulation should be supplemented with regard to its wording as follows:

"In case of national certificates covering a variety of official recognitions of compliance with different applicable requirements (e.g. aviation noise protection, spatial planning provisions or wildlife conservation measures), these certificates shall remain valid to the full extend. However, concerned aerodrome operators shall apply for an additional certificate in accordance with Art. 8a of the Basic Regulation within a maximum period of 48 months following the coming into force of this Regulation."

response

Accepted

This will be mentioned in the explanatory note to the CRD. The interpretation of the BR being only about airport safety and not other matters that make up the German airport permits is obvious and does not need a special mentioning in the articles.

comment

271

comment by: *CAA Austria - Ministry of Transport*

2) (a) "equivalent level of safety" has to be clearly defined - unclear definition

response

Noted

Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).

comment

282

comment by: *BAA Airside operations*

	<p>Article 6, 1 BAA supports the period of 48 months for prior certificates remaining valid.</p> <p>Article 6, 2 (a) EASA has used the term Equivalent Level of Safety (ELOS) throughout the new rules. We understand this is because the term is used in the Basic Regulation and the new rules have to reflect the basic regulation. Whereas an ELOS was appropriate in the domains previously subjected to rulemaking. We believe it not appropriate in the aerodrome domain. Demonstration of an ELOS requires a Quantitive Risk Analysis. This is the only way you can provide evidence of achieving equivalence. Most risk assessments undertaken in the aerodrome domain are Qualitative in nature; therefore, demonstration of ELOS cannot be achieved without significant demands on cost and resource. It must be understood by EASA that in the aerodrome domain, the Term ELOS represents an Acceptable Level of Safety rather and an Equivalent Level of Safety.</p>			
response	<p><i>Noted</i></p> <p>Support for the 48 months is noted. Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>			
comment	<p>367 comment by: <i>Edinburgh Airport</i></p> <p>Article 6,1 - Support Justification - Edinburgh Airport supports the period of 48 months for prior certificates remaining valid.</p>			
response	<p><i>Noted</i></p>			
comment	<p>368 comment by: <i>Edinburgh Airport</i></p> <p>Article 6,2 (a) - Definition Justification - What is meant be the term "equivalent level of safety"? We understand that in the rule making groups there was use of the term "acceptable level of safety" which is felt to be appropriate for the situation of certifying aerodromes which have many years of history behind them.</p>			
response	<p><i>Noted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>			
comment	<p>461 comment by: <i>Bristol Airport - BRS/EGGD</i></p> <table border="1" data-bbox="375 1727 1401 1809"> <tr> <td>Article 6, 1</td> <td>Support</td> <td>Bristol Airport supports the period of 48 months for prior certificates remaining valid.</td> </tr> </table>	Article 6, 1	Support	Bristol Airport supports the period of 48 months for prior certificates remaining valid.
Article 6, 1	Support	Bristol Airport supports the period of 48 months for prior certificates remaining valid.		
response	<p><i>Noted</i></p>			
comment	<p>560 comment by: <i>Belfast International Airport - BFS/EGAA</i></p> <p>Strong agree with the period of 48 months.</p>			

response	<i>Noted</i>
comment	564 comment by: <i>Belfast International Airport - BFS/EGAA</i> What is meant by the term "equivalent level of safety" this is not in the definitions?
response	<i>Noted</i> Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).
comment	633 comment by: <i>Exeter International Airport</i> Article 6, 1 : Exeter Airport supports the period of 48 months for prior certificates remaining valid.
response	<i>Noted</i>
comment	635 comment by: <i>Exeter International Airport</i> Article 6, 2 (a) : What is meant by the term "equivalent level of safety"? We understand that in the rulemaking groups there was use of the term "acceptable level of safety" which is felt to be appropriate for the situation of certifying aerodromes which have many years of history behind them.
response	<i>Noted</i> Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).
comment	725 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i> In Artikel 6 ist zu verdeutlichen, dass nationale Flugplatzgenehmigen, soweit diese einen eigenständigen Regelungsinhalt haben, auch nach Inkrafttreten der "ADR-Regularien" weiterhin Bestand haben und unangetastet bleiben. Dies muss auch für die Fälle gelten, wenn ein "ADR-Zertifikat" erteilt wurde. <i>In article 6 it has to be clarified that national airfield-approvals, as far as these approvals have their own regulation contents, also have further existence and are remained untouched after the entry into force of the "ADR-Regulations". This must be also valid for the cases if an "ADR-Certificate" is issued.</i>
response	<i>Accepted</i> This will be mentioned in the explanatory note to the CRD. The interpretation of the BR being only about airport safety and not other matters that make up the German airport permits is obvious and does not need a special mentioning in the articles.
comment	726 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i> Die in Artikel 6 festgelegte Frist von 48 Monaten ist nicht begründet und

	<p>möglicherweise in vielen Fällen zu kurz.</p> <p><i>The period of 48 months, specified in article 6, is not justified and possibly too short in many cases.</i></p>
response	<p><i>Not accepted</i></p> <p>The 48 months were suggested by a Task Force made up of NAA and ACI representatives and jointly found as being sufficient.</p>
comment	<p>740 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>In Artikel 6 ist die Frage zu beantworten, wie mit Bestandsflughäfen umzugehen ist, welche die geforderten Nachweise nicht oder nur teilweise in der vorgegebenen Frist (z. B. 48 Monate) erbringen können?</p> <p>Die Beantwortung dieser Frage hat insofern besondere Bedeutung, als dass in den aktuellen NPAs und den CSs keine Unterscheidung zwischen ICAO-Empfehlungen (recommendation) und ICAO-Standards (standards) vorgenommen wird, so dass sich ein enormer (zeit und kostenintensiver) Prüfungsaufwand bei den Bestandflughäfen ergeben wird.</p> <p><i>In article 6 the question is to be answered, how is to be dealt with existing aerodromes, which could not demonstrate compliance (completely or partly) with the elements of the "Basic Regulation" and/or the "ADR-Certification-Basis" in the given period (e.g. 48 months)?</i></p> <p><i>The answering of this question has a special meaning, because there is no distinction in the current NPAs and CSs between ICAO-Recommendations and ICAO-Standards. This causes an enormous (time- and cost-intensively) expenditure to investigate existing aerodromes.</i></p>
response	<p><i>Not accepted</i></p> <p>The 48 months were suggested by a Task Force made up of NAA and ACI representatives and jointly found as being sufficient.</p>
comment	<p>748 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>Hinsichtlich der Ausführungen in Artikel 6(2)(b) ist auch aus Gründen der "Standardisierung" ein Verfahren bzw. Minimumanforderungen festzulegen, auf welche Art und Weise der zukünftige Inhaber des Zertifikats, die geforderten Nachweise zu erbringen hat.</p> <p><i>Regarding the remarks in article 6(2)(b) there is, also for the reason of standardisation, a procedure and/or the minimum requirements to be specified, in which way the future owner of the certificate has to demonstrate compliance with the elements of the certification basis, the requirements of Regulation (EC) No 216/2008 and its Implementing Rules.</i></p>
response	<p><i>Not accepted</i></p> <p>The term standardisation means the oversight by EASA into the application of the rules throughout the NAAs of the EASA region and not meant to standardise all demonstrations of compliance. This misunderstanding was resolved at the review meeting.</p>
comment	<p>980 comment by: <i>Dublin Airport Authority</i></p>

	The Dublin Airprot Authority (DAA) supports the validity period of 48 months for certificates issued prior to the entry into force of this Regulation .
response	<i>Noted</i>
comment	<p>1009 comment by: <i>London Biggin Hill Airport</i></p> <p>Article 6.1 We fully support the period of 48 months for prior certificates remaining valid</p> <p>Article 6.2 (a) What is meant by the term "equivalent level of safety"? We understand that in the rulemaking groups there was use of the term "acceptable level of safety" which is felt to be appropriate for the situation of certifying aerodromes which have many years of history behind them.</p>
response	<p><i>Noted</i></p> <p>1. Support for the 48 months is noted.</p> <p>2. Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>1251 comment by: <i>Blackpool Airport - BLK/EGNH</i></p> <p>Article 6, 1 : Blackpool Airport supports the period of 48 months for prior certificates remaining valid.</p>
response	<i>Noted</i>
comment	<p>1252 comment by: <i>Blackpool Airport - BLK/EGNH</i></p> <p>Article 6, 2 (a) : What is meant by the term "equivalent level of safety"? We understand that in the rulemaking groups there was use of history behind them</p>
response	<p><i>Noted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>1486 comment by: <i>Stansted Airport</i></p> <p>Article 6, 1</p> <p>Support</p> <p>Stansted Airport supports the period of 48 months for prior certificates remaining valid.</p>
response	<i>Noted</i>
comment	<p>1495 comment by: <i>Stansted Airport</i></p> <p>Article 6, 2 (a)</p> <p>Definition?</p>

	<p>What is meant by the term "equivalent level of safety"? In the rulemaking groups there was use of the term "acceptable level of safety" which is felt to be appropriate for the situation of certifying aerodromes which have many years of history behind them.</p>
response	<p><i>Noted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p><i>1501</i> <i>comment by: London Luton Airport Operations Ltd</i></p> <p>1 - London Luton Airport Operations Ltd supports this proposal for 48 months to enable thorough assessment and implementation of the EASA requirements</p> <p>2 (a) - what defines the equivalent level of safety (ELOS) ? is each member state able to interpret the ELOS differently which may lead to varying standards of safety across the member states. Common language used is Acceptable Level of Safety, are these the same thing? clarity is necessary.</p>
response	<p><i>Noted</i></p> <p>1. Support for the 48 months is noted. 2. Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p><i>1555</i> <i>comment by: CAA Norway</i></p> <p>We support a period of at least 48 months for prior certificates remaining valid. However we perceive that Norway will need 60 months to convert our national certificates into EASA-certificates. This considering the high number of norwegian aerodromes that needs to be EASA certified (approx. 45).</p>
response	<p><i>Noted</i></p> <p>The 48 months were suggested by a Task Force made up of NAA and ACI representatives and jointly found as being sufficient.</p>
comment	<p><i>1651</i> <i>comment by: ECA - European Cockpit Association</i></p> <p>Add as follows to 2. (a): (a) the competent authority has established the certification basis using the Certification Specifications issued by the Agency, including any cases of equivalent level of safety and special conditions which have been identified and documented, <u>with an additional documentation stating the relevant pilots' associations' comments on those cases of equivalent level of safety and special conditions;</u> and</p> <p>Justification: In order to ensure consistent interpretation and application of safety requirements within a NAA, local pilots' associations provide the best background for the assessment of a deviation within an oversight task.</p>

response	<p><i>Not accepted</i></p> <p>There is no intention to make the local pilots associations part of the regulatory oversight that is the prerogative of the NAAs.</p>
comment	<p>1878 <i>comment by: Ministry of Infrastructure and Agriculture of Brandenburg</i></p> <p>It is not clear what the term "equivalent level of sasfety" means. There has to be a clear definition.</p> <p>In the federal state of brandenburg certificates as required in Art.6 para 1 do not exist. Therefore all certificates being issued to meet the EASA-rules will be done according to Art.6 para 2.</p>
response	<p><i>Noted</i></p> <p>1. Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p> <p>2. Indeed conversion will not apply to all airports. However, note that the German permit for an airport has a much wider scope as the EASA safety certificates for aerodromes.</p>
comment	<p>2010 <i>comment by: Airport Operators Association</i></p> <p>Article 6, 1 This is supported Justification - AOA supports the period of 48 months for prior certificates remaining valid.</p> <p>Article 6, 2 (a) Clarification on the definition of ELoS is required Justification - What is meant by the term "equivalent level of safety"? We understand that in the rulemaking groups the term "acceptable level of safety" was used and this is considered to be appropriate for the situation of certifying aerodromes which have many years of history behind them.</p>
response	<p><i>Noted</i></p> <p>1. Support for the 48 months is noted. 2. Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>2030 <i>comment by: East Midlands Airport - EMA/EGNX</i></p> <p>1 - East Midlands Airport supports the proposal for prior certificates remaining valid for 48 months.</p>
response	<p><i>Noted</i></p>
comment	<p>2033 <i>comment by: East Midlands Airport - EMA/EGNX</i></p> <p>2 (a) Definition required.</p>

	<p>What is meant by the term "equivalent level of safety"? We understand that in the rulemaking groups there was use of the term "acceptable level of safety" which is felt to be appropriate for the situation of certifying aerodromes which have many years of history behind them.</p>
response	<p><i>Noted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>2089 comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i></p> <p>The current wording of Art. 6 does not address all relevant conversion issues!</p> <ol style="list-style-type: none"> 1. According to Art. 6 para 1, aerodrome „<i>certificates</i>“ would be treated invalid following a 48 months period starting with the entry into force of the Cover Regulation. The word "<i>certificate</i>" is legally defined as "<i>any approval, licence or other document issued as the result of certification</i>" (Art. 3 para (g) Basic Regulation). And the word "<i>certification</i>" itself is defined as "<i>any form of recognition that a product, part or appliance, organisation or person <u>complies with the applicable requirements including the provisions of this Regulation and its implementing rules, as well as the issuance of the relevant certificate attesting such compliance</u></i>" (Art. 3 para (e) Basic Regulation). Hence, the words "<i>certificate</i>" / "<i>certification</i>" do not seem to be exclusively related to the certification process under the Basic Regulation but may also be related to national approval processes. 2. Therefore, german operators of international aerodromes might run the risk of losing their national approvals after a period of 48 months following the coming into force of the new regulation. German approvals to establish and operate aerodromes cover aspects that go far beyond the assessment of compliance with technical standards. For example, aspects that also need to be considered are: compliance with prerequisites of environmental protection, city planning and aviation noise protection. EASA / COM do not have any legal competence to claim such national approvals to be void! 3. If it turns out for any reason that german approvals were not falling under Art. 6 para 1, german operators of international aerodromes, however, would not be able to take advantage of the transitional period of 48 months set forth under para 2 because that paragraph only applies to aerodromes that fall under para 1 (arg.: „<u>such</u> aerodromes“). <p>In order to avoid any uncertainty about the application of Art. 6, its wording should be amended so that national approvals which cover more aspects than only technical standards will NOT BE TREATED INVALID and respective operators will simply have to apply, in addition to a national approval, for a certificate under the new Implementing Rules within the specified time period.</p>
response	<p><i>Accepted</i></p>

This will be mentioned in the explanatory note to the CRD. The interpretation of the BR being only about airport safety and not other matters that make up the German airport permits is obvious and does not need a special mentioning in the articles.

comment 2344 comment by: *LJL Airport - Liverpool John Lennon Airport*

Article 6, 1	Support	LJLA supports the period of 48 months for prior certificates remaining valid.
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response *Noted*

comment 2345 comment by: *Dublin Airport Authority*

DAA supports the period of 48 months for certificates issued prior to the entry into force of this Regulation remaining valid.

response *Noted*

comment 2346 comment by: *LJL Airport - Liverpool John Lennon Airport*

Article 6, 2 (a)	Definition?	What is meant by the term "equivalent level of safety"? We understand that in the rulemaking groups there was use of the term "acceptable level of safety" which is felt to be appropriate for the situation of certifying aerodromes which have many years of history behind them.
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response *Noted*

Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).

comment 2588 comment by: *Infratil Airports Europe Ltd*

Page No: 12

Paragraph No: Article 6, 1

Comment: PIK supports the period of 48 months for prior certificates remaining valid.

response *Noted*

comment 2589 comment by: *Infratil Airports Europe Ltd*

Page No: 13

Paragraph No: Article 6, 2 (a)

Comment: What is meant by the term "equivalent level of safety"? We understand that in the rulemaking groups there was use of the term "acceptable level of safety" which is felt to be appropriate for the situation of certifying aerodromes which have many years of history behind them.

response	<p><i>Noted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>2650 comment by: <i>HIA - Highlands and Islands Airports Limited</i></p> <p>6.1 - Existing aerodrome certificates to remain valid for 48 months after introduction this regulation. Fully support this item.</p> <p>6.2a - Definition of <i>equivalent level of safety</i> and <i>special conditions</i> required</p>
response	<p><i>Noted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>2810 comment by: <i>Aberdeen Airport Airside Operations</i></p> <p>1 Support</p> <p>BAA Aberdeen Airport supports the period of 48 months for prior certificates remaining valid</p> <p>2 (a) Definition?</p> <p>What is meant by the term "equivalent level of safety" ? In the rulemaking groups there was use of the term "acceptable level of safety" which is felt to be appropriate for the situation of certifying aerodromes which have many years of history behind them</p>
response	<p><i>Noted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>2816 comment by: <i>IDRF e.V. (association of regional airports)</i></p> <p>The regulation for conversion of existing certificates, especially the period of 48 month seems to be appropriate.</p>
response	<p><i>Noted</i></p>
comment	<p>2825 comment by: <i>Norwich International Airport</i></p> <p>Article 6,1</p> <p>Norwich International Airport supports the period of 48 months for prior certificates being valid.</p>
response	<p><i>Noted</i></p>
comment	<p>2827 comment by: <i>Norwich International Airport</i></p>

	Article 6,2 (a)	
	What is meant by the term "equivalent level of safety"? We understand that in the rulemaking groups there was use of the term "acceptable level of safety" which is felt to be appropriate for the situation of certifying aerodromes which have many years of history behind them.	
response	<i>Noted</i>	
	Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).	
comment	2975	comment by: <i>DAA Cork Airport</i>
	DAA supports the period of 48 months for certificates issued prior to the entry into force of this Regulation remaining valid.	
response	<i>Noted</i>	
comment	3027	comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i>
	<p>According to Art. 6 para 1, aerodrome „certificates" would be treated invalid following a 48 months period starting with the entry into force of the Cover Regulation. The word "certificate" is legally defined as "any approval, license or other document issued as the result of certification" (Art. 3 para (g) Basic Regulation). The word "certification" itself is defined as "any form of recognition that a product, part or appliance, organisation or person complies with the applicable requirements including the provisions of this Regulation and its implementing rules, as well as the issuance of the relevant certificate attesting such compliance" (Art. 3 para (e) Basic Regulation). Hence, the words "certificate" / "certification" do not seem to be exclusively related to the certification process under the Basic Regulation but may also be related to national approval processes.</p> <p>Administrative decisions related to the operation and/or construction of airports (including extensions of the infrastructure facilities or modifications of the operating conditions) under German aviation law do not only cover safety issues but a variety of regulatory provisions, e.g. wildlife conservation measures or special conditions concerning aviation noise protection. They may also include the results of an extensive spatial planning procedure. Hence they do not correspond to the defined "certificate" - or "certification" respectively - under the terms of Art. 3 para. (g) and (e) of the Basic Regulation.</p> <p>Due to that significant difference the current diction of Art. 6 of the draft proposal is highly problematic, for it may cause legal uncertainty with regard to the validity of national approvals or planning permissions (plan approval orders).</p> <p>According to Art. 6 para 1 of the Cover Regulation, aerodrome certificates issued by the competent authority to aerodromes and their operators remain valid for a maximum period of 48 months since entry into force of this Regulation. Judged only by the wording German aerodrome operators seem to be in danger of being deprived of their granted rights to run their business after the end of the transition period although there had been a thorough and in-depth official scrutiny of all the relevant issues long before.</p>	

Since the Commission is not empowered neither by Art. 8a para. 5 of the Basic Regulation nor otherwise by European law to regulate all the above mentioned contents of a (German) approval or planning permission nor to declare these decisions void, Art. 6 of the Cover Regulation should be supplemented with regard to its wording as follows:

"In case of national certificates covering a variety of official recognitions of compliance with different applicable requirements (e.g. aviation noise protection, spatial planning provisions or wildlife conservation measures), these certificates shall remain valid to the full extend. However, concerned aerodrome operators shall apply for an additional certificate in accordance with Art. 8a of the Basic Regulation within a maximum period of 48 months following the coming into force of this Regulation."

response *Accepted*

This will be mentioned in the explanatory note to the CRD. The interpretation of the BR being only about airport safety and not other matters that make up the German airport permits is obvious and does not need a special mentioning in the articles.

comment

3278

comment by: *Southampton Airport*

BAA and Southampton Airport supports the validation period of 48 months for prior certificates.

response

Noted

comment

3283

comment by: *Southampton Airport*

Under article, 6,2, (a), what is meant by the term "Equivalent level of safety"? Given the unique characteristics of specific aerodromes, the term "Acceptable level of safety" (as used in the rule making groups) is more appropriate.

response

Noted

Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).

comment

3451

comment by: *Fraport AG*

Article 6 - Conversion of certificates 1.

Support / Question
Aerodrome certificates issued by the competent authority to aerodromes and their operators, prior to the coming into force of this Regulation, shall remain valid for a maximum period of 48 months, following the coming into force of this Regulation.

Fraport AG:
Fraport general supports the conversion period of 48 month. The question is not finally solved, if within this 48 month the new certificate has to be provided by the authority or if the intension is fulfilled if with these time period the application for a new certificate is submitted to the competent

	<p>authority. For "big" aerodromes the time period of 48 month might be to less for both sides aerodrome and authority to pass the full certification process for operators and infrastructure within 48 month.</p>
response	<p><i>Not accepted</i></p> <p>It is quite clear that in the time period of 48 months the certificates in accordance with the new regulation have to be issued, i.e. handed out to the airport, which is at the end of a conversion process. This is under Art. 6.2. The period of 48 months was considered ample time by the task force made up of ACI and NAA representatives, thus it should also be enough for the conversion of the safety certificate aspects of a large airport such as FRA airport. Please be aware that this is not a certification process, as you mention in your comment, but a conversion process.</p>

Draft Commission Regulation - Article 7 - Deviations from certification specifications

p. 13

comment	<p>100</p> <p>comment by: <i>Flughafen Düsseldorf GmbH</i></p> <p>1. During the certification process for the issuance of the first certificates in accordance with this Regulation and its Annexes, the competent authority may, until 31 December 2019, accept applications for a certificate including deviations from Certification Specifications issued by the Agency, if:</p> <p>(a) such deviations do not qualify as an equivalent level of safety case nor qualify as a case of special condition under ADR.AR.C.020 of Annex I; and</p> <p>(b) such deviations have existed prior to the entry into force of this Regulation; and</p> <p>(c) the essential requirements in Annex Va to Regulation (EC) No 216/2008 are respected by such deviations, supplemented by mitigating measures and corrective actions as appropriate; and</p> <p>(d) <u>a supporting safety assessment [g1]</u> for any such deviation has been completed.</p> <hr/> <p>[g1]Wer führt das durch?</p>
response	<p><i>Noted</i></p> <p>This is not for the EU level to decide.</p>

comment	<p>185</p> <p>comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i></p> <p>Again the definition "equivalent level of safety" is missing.</p> <p>The fixed deadline for an official acceptance referring to deviations from certification specifications should be omitted. Instead, aerodrome operators should be able to benefit from this stipulation also if increased passenger or cargo movement figures lead to the applicability of the Basic</p>
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Regulation after 31 December 2019.

Given the scope set forth in Art. 1 of the Basic Regulation, the draft version of Art. 7 (Cover Regulation) – in conclusion – differentiates for no apparent reason between aerodromes, which are comparable with each other referring to size and mode of operation, only by means of figures dependent on vaguely predictable future trends, although all of these aerodromes have (long since) been in existence before the entry into force of the new European aerodrome certification specifications.

The provision does not seem to take into account that further airports might fall under the scope of the basic regulation at a later stage. Due to the limitation as of December 31 2019 it would not be possible for those to make use the DAAD. This restriction does not provide for the flexibility that is needed with large and complex infrastructures.

For that reason, deviations from CSs should be acceptable WITHOUT ANY TIME LIMIT on the condition that respective deviations have already been in existence before the regulation, including CSs, came into force."

response *Partially accepted*

Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).

On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.

comment

197

comment by: Zürich Airport

Relating to para. 1 (a)

The concept of acceptable level of safety (ALOS) should be used instead of ELOS. The level of safety of an AMC and GM is generally not known, especially with regard to airport design criteria which are based on ICAO Annex 14. It would require a disproportionate effort if, in case of a deviation from an AMC, an equivalent level of safety has to be demonstrated, as this would involve the calculation of the safety level of the corresponding AMC/GM. The goal of uniformity can not be achieved with this concept, as every airport may calculate the safety level differently. Instead it should be demonstrated to the competent authority that the level of safety is qualitatively acceptable in case of a deviation from an AMC. It's the responsibility of the competent authority to define the ALOS compared to the corresponding AMC/GM and the responsibility of the airport to demonstrate that it can be achieved. Other than the DAAD concept this does not necessarily comprise any action for further risk mitigation.

response

Noted

Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).

comment	<p>208 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>This provision with its DAAD is of paramount importance and must ensure long term continuity of operations at existing aerodromes. But it has also to ensure equal treatment without time limitation, i.e after 31 December 2019 as well.</p> <p>If one may understand the idea of inserting a deadline - which is not included in the BR or the ER (!) - into a regulation for the purpose of ensuring a defined safety standard for new airports built from a green field, such a deadline might affect in an unequal manner existing airports, operating under approved regime including deviations, if these airports enter into the scope of the new rules after the 1st January 2020. In case for instance of an airport becoming accessible with an IFR approach procedure (Classical one or EGNOS) or reaching the 10'000 passengers threshold in 2021, the proposed deadline would result in an airport being unequally treated compared to previously certified airports. "Existing is approved" should prevail.</p> <p>Acting in a different way might lead potentially to unacceptable militations/restrictions or the rejection of a certificate application should an existing, approved deviation which is necessary to run the airport not be allowed to be accepted any longer.</p> <p>The deadline has no legal provision to call for it. It has to be deleted.</p> <p>Deviations admitted in the future too must not be only unlimited in time, but also not be limited to deviations from CSs.</p> <p>And in addition to that, an appropriate way must be defined to let the States use their right, as Members of the ICAO, to deviate from future ICAO provisions.</p>
response	<p><i>Partially accepted</i></p> <p>On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.</p>
comment	<p>272 comment by: <i>CAA Austria - Ministry of Transport</i></p> <p>(1) (a) "equivalent level of safety" has to be clearly defined - unclear definition</p>
response	<p><i>Noted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>283 comment by: <i>BAA Airside operations</i></p> <p>Article 7</p> <p>BAA supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many</p>

	aerodromes have developed historically over the years, against different criteria yet operate safely. It must be stressed that this is a very key part of the NPA and without it there would be many more comments and objections.			
response	<i>Noted</i>			
comment	369	comment by: <i>Edinburgh Airport</i>		
	Article 7 - Support Justification - Edinburgh Airport supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years and against different yet operate safely. This is a key part of the NPA and without it there would be many more comments and objections.			
response	<i>Noted</i>			
comment	444	comment by: <i>Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)</i>		
	Amsterdam Airport Schiphol and D.A.A. supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years, against different criteria yet operate safely. It must be stressed that this is a very key part of the NPA and without it there would be many more comments and objections.			
response	<i>Noted</i>			
comment	570	comment by: <i>Bristol Airport - BRS/EGGD</i>		
	<table border="1"> <tr> <td>Article 7</td> <td>Support</td> <td>Bristol Airport strongly supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years and against different criteria yet operate safely. This is a key part of the NPA and without it there would be many more comments and objections.</td> </tr> </table>	Article 7	Support	Bristol Airport strongly supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years and against different criteria yet operate safely. This is a key part of the NPA and without it there would be many more comments and objections.
Article 7	Support	Bristol Airport strongly supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years and against different criteria yet operate safely. This is a key part of the NPA and without it there would be many more comments and objections.		
response	<i>Noted</i>			
comment	636	comment by: <i>Exeter International Airport</i>		
	Article 7 : Exeter Airport supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes such as ours have developed historically over the years and against different criteria yet operate safely. This is a key part of the NPA and without it there would be many more comments and objections.			
response	<i>Noted</i>			
comment	753	comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i>		

	<p>Es ist aus Artikel 7(1) nicht direkt ersichtlich, ob damit der erste Zertifizierungsprozess für bereits existierende Bestandflugplätze im Sinne des Artikels 6 oder für neu anzulegende Flugplätze gemeint ist.</p> <p>In Art. 7(1) it is not direct evidently, whether "First certification processes" for existing aerodromes (see Art. 6) ore "First certification processes" for new aerodromes are meant.</p>
response	<p><i>Noted</i></p> <p>"first certificate" includes both newly certificated airports as well as those whose certificate is beig converted.</p>
comment	<p>756 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>Aus der Ausführung "...bis zum 31.12.2019,..." in Artikel 7(1) kann geschlossen werden, dass Abweichungen von den CSs nach diesem Termin überhaupt nicht mehr möglich sind. Da es keine Regeln ohne Ausnahmen gibt, ist eine Änderung in der Formulierung erforderlich.</p> <p><i>It could be concluded form the words "... until 31 December 2019,..." in Article 7(1) that no deviations from CSs are possible after this date. Because threere are no rules without exceptions, changes in the formulation of article 7(1) are necessary.</i></p>
response	<p><i>Partially accepted</i></p> <p>On the deadline for the DAADs Please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.</p>
comment	<p>760 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>Die Formulierung in Artikel 7(1) könnte für Bestandsflughäfen, auf welche die ADR-Regeln zwar zutreffen jedoch zunächst freigestellt worden sind, von erheblichem Nachteil sein, wenn diese erst nach dem 31.12.2019 auf Grund gestiegener Fluggast- und Frachtbewegungszahlen ein Zertifikat benötigen. Daher sollten grundsätzlich alle Abweichungen, die zum Inkrafttreten der "ADR-Regularien" vorlagen, für Bestandsflughäfen unbefristet zulässig sein.</p> <p><i>For exisiting aerodromes, to which the ADR-rules applies, but exemptions in the sence of Article 5 were granted, article 7 could be a substantial disadvantage, if those aerodromes needs a certificate after 31.12.2019 because of increased passenger and cargo movements. Therefore all deviations, which were present before entry into force of the "ADR-regulations", should be permissible in principle for an unlimited period.</i></p>
response	<p><i>Partially accepted</i></p> <p>On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.</p>

comment	763 comment by: <i>Finnish Transport Safety Agency</i> Finnish CAA supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years, against different criteria yet operate safely. This is a very key part of the NPA and without it there would be many more comments and objections.
response	<i>Noted</i>

comment	766 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i> Die Regel aus Artikel 7(1)(d) ist für Bestandflughäfen absolut überzogen und kann mit nicht begründbaren Kosten verbunden sein. Abweichungen, die bereits seit vielen Jahre existent sind und die in der Vergangenheit zu keinerlei Sicherheitsproblemen geführt haben, einer kostenintensiven und zeitraubenden Sicherheitsüberprüfung (Safety Assesment) zu unterziehen, ist nicht begründet. Weiterhin sind die minimalen Anforderungen an eine Sicherheitsüberprüfung (Safety Assesment) für bestehende Abweichungen in Artikel 7(1)(d) nicht festgelegt worden, was bei EASA-Standardisierungs-Audits unweigerlich zu "Abweichungen/Findings" führen wird. <i>The rule in article 7(1)(d) could be a covered demand with very high costs for exisiting aerdromes. To perform a cost-intensive and time-consuming saftey assesment for deviations, which are many years existent and which led to no safety problems in the past, is not justified. Further the minimum requirements for the saftey assesments for exisiting deviations are not specified in artichel 7(1)(d). This fact will lead inevitably to findings during EASA-Standardisation-Visits.</i>
response	<i>Not accepted</i> On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules. What is being accepted under the DAAD rule under Art. 7 must be subjected to a safety assessment, where even an existing SA may be used if it is still relevant in its conclusions and mitigation measures. Please note that the EASA will not visit every airport but look at the way in which the DAAD rule was handled.

comment	795 comment by: <i>Union des Aéroports français - UAF</i> Attachment #115 UAF NPA 2011-20 (B.I) CR Art.7 Référence: Article 7 Deviations from Certification Specifications
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	<p>Traduction de courtoisie</p> <p>The qualification of an equivalent level of safety is not clear. It is difficult to distinguish between this equivalent level of safety (ELOS) and a special condition (SC). The ELOS should be defined to be clearly distinguished from SC.</p> <p>UAF wishes that the EASA adopts a definition of ELOS.</p> <p>UAF suggests the following definition: "The description of a general solution, accepted by the authority, which proposes an alternative to a certification specification (CS) or a set of CS."</p>
response	<p><i>Not accepted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>981 comment by: <i>Dublin Airport Authority</i></p> <p>The Dublin Airport Authority (DAA) supports the concept of the "Deviations Acceptance & Action Document" (DAAD) and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed, on a historical basis, against varying criteria but still operate safely.</p>
response	<p><i>Noted</i></p>
comment	<p>994 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • Draft Commission Regulation - Article 7 - Deviations from Certification Specifications (p13) • ANNEX I - Part-AR - ADR.AR.C.035- Issuance of certificate - Paragraph (f) (p25) • A. Explanatory Note - III. Overview of the rules proposed in this NPA - Certification process including the establishment of the certification basis (CB) – Paragraph 25 (p9) • A. Explanatory Note - III. Overview of the rules proposed in this NPA - Conversion and acceptance measures – Paragraph 32 (p10) <p><u>2. Justification and proposed text / comment</u></p> <p><u>This comment is linked with comment 22 in Explanatory Note</u></p> <p>Naming the document in which are compiled the evidence supporting the conditions described in this article will considerably ease the comprehension and the use of it in practice. DGAC proposes the name used in the explanatory note: "<i>Deviations Acceptance and Action Document</i>" and proposes to introduce this name in article 7 of the regulation.</p> <p>Moreover, the DAAD can be, on some points, unlimited in time (see Explanatory Note – paragraph 32: "<i>the DAAD action plan is not time-bound</i>"). Moreover, the Explanatory Note – paragraph 25 states that the certificate can have a limited duration: it should be detailed here.</p> <p>Consequently DGAC proposes the following amendments to article 7: <i>"The competent authority shall compile the evidence supporting the conditions above in a the Deviations Acceptance and Action Document. This document shall not form part of the certification basis. The competent</i></p>

authority shall specify the period of acceptance of such deviations, which may be unlimited in time, and inform the Agency of all such documents it has issued."

Furthermore, as the DAAD is clearly part of the aerodrome certificate, even if it is not part of the certification basis, there is a strong need to give more specifications on how to use it with regards to the certificate and so to include it in some provisions.

DGAC proposes to add a reference to it in paragraph (f) of **ADR.AR.C.035**, to detail that the DAAD is attached to the certificate (as explained in the Explanatory Note paragraph 32):

"(f) The certificate is considered to include:

- *the applicable certification basis with which the competent authority records compliance and any other conditions or limitations prescribed in the applicable Certification Specifications and requirements and*
- *if relevant, the deviation acceptance and action document, attached to it, which compiles the evidence supporting the conditions described in article 7 – paragraph 1 of this regulation."*

response *Accepted*

Please note that this suggestion was take up in the new version of Article 7.

The rest of the comment belongs to ADR.AR.C.035 and is handled there.

comment *1002* comment by: *London Biggin Hill Airport*

We fully support the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years and against different criteria yet still operate safely. This is a key part of the NPA and without it there would be many more comments and objections.

response *Noted*

comment *1253* comment by: *Blackpool Airport - BLK/EGNH*

Article 7 : Blackpool Airport supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes such as ours have developed historically over the years and against different criteria yet operate safely. This is a key part of the NPA and without it there would be many more comments and objections.

response *Noted*

comment *1298* comment by: *CAA Norway*

We support the concept of the DAAD. Norway has five airports with civil traffic that are owned and controlled by the military. The norwegian government is in a process of restructuring the airforce. This means that several of the military airports may be converted into civil airports within a short timeframe. However there is a strong possibility that these airports will not become civil before 31.12.2019, which means that they would be

	<p>excluded from using the DAAD. Norway therefore recommend that there should be no timelimits for using the DAAD on existing military airports (which already have a civil certification) that are converted to civil airports.</p>
response	<p><i>Partially accepted</i></p> <p>On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline however is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.</p>
comment	<p>1317 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>Art. 7.1: FOCA does not recommend limiting the deviations till end of 2019. The NAA should have the competence and possibility to grant an unlimited exemption. Justification: For new aerodromes coming into the scope after 2019 it would not be possible to use the DAAD.</p> <p>Art. 7.1 Please delete "until 31 December 2019". Justification: Depending on future development, additional airports might enter EASA scope after 31 December 2019. In these cases, the same flexibility must be assured.</p> <p>Art. 7.2: Please change article to: The competent authority shall specify the period of acceptance of such deviations. Justification: heavy administrative burden to transfer all these documents to EASA and it's not clear how EASA will proceed with these documents.</p> <p>Art. 7.2: Please change article to: "Member states shall ensure that the competent authority and/or the aerodrome operator are consulted [...]". Justification: The article states that the competent authority and the aerodrome operator shall be consulted. Only one aerodrome operator or in the event, a lightor dazzle may confuse air navigation en route, no aerodrome operator shall be consulted.</p>
response	<p><i>Partially accepted</i></p> <p>7.1 On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.</p> <p>7.2: Agreed.</p> <p>7.2: Comment is not understood. Please see if the new version of the article does not fulfil your query.</p>
comment	<p>1346 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>The Equivalent Level of Safety (ELOS) is used in this provision We refer to the comment made about ELOS in relation with Article 2, asking for the "equivalent" to be understood as "acceptable", according to what ICAO uses in Annex 14.</p>
response	<p><i>Noted</i></p>

Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).

comment	1496	comment by: <i>Stansted Airport</i>
	Article 7	
	Support	
	Stansted supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years, against different criteria yet operate safely. It must be stressed that this is a very key part of the NPA and without it there would be many more comments and objections	
response	<i>Noted</i>	
comment	1528	comment by: <i>London Luton Airport Operations Ltd</i>
	London luton Airport Operations Ltd supports the principles of Article 7	
response	<i>Noted</i>	
comment	1571	comment by: <i>Euroairport Bâle-Mulhouse</i>
	Attachment #116	
	Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.7	
	Référence: Article 7 Deviations from Certification Specifications	
	Traduction de courtoisie The qualification of an equivalent level of safety is not clear. It is difficult to distinguish between this equivalent level of safety (ELOS) and a special condition (SC). The ELOS should be defined to be clearly distinguished from SC. UAF wishes that the EASA adopts a definition of ELOS. UAF suggests the following definition: "The description of a general solution, accepted by the authority, which proposes an alternative to a certification specification (CS) or a set of CS."	
response	<i>Noted</i>	
	Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).	
comment	1653	comment by: <i>ECA - European Cockpit Association</i>
	Add the following new paragraphs (d) and (e) under 1.:	
	(d) a supporting safety assessment for any such deviation has been completed; and	
	(e) the opinion of the local pilots' association has been documented	

	<p>Justification: In order to ensure consistent interpretation and application of safety requirements and Equivalent Levels of Safety local pilots' associations provide the best background for the assessment of a deviation.</p>
response	<p><i>Not accepted</i></p> <p>The local pilots association is not the certifying authority for aerodromes. Many authorities name pilots among their staff and can understand the pilot's point of view. This is their job.</p>
comment	<p>1744 comment by: UK CAA</p> <p>Page No: 13</p> <p>Paragraph No: Article 7</p> <p>Comment: The UK strongly supports the inclusion of the Deviations Acceptance and Action Document required by Article 7.</p> <p>Justification: Many aerodromes have features that are not compliant with the draft rules, which could not be adequately addressed by the equivalent level of safety of special conditions, yet which may be accepted without adverse safety impact.</p>
response	<p><i>Noted</i></p>
comment	<p>1910 comment by: Birmingham Airport - BHX/EGBB</p> <p>Birmingham Airport fully supports the concept of the DAAD as described in the the cover regulation. Without this accommodation it would be virtually impossible to for airports to adhere to the proposed rules as many have accepted safe deviations that arise through the age and geographical context of their operations and different operating rules, yet remain safe.</p>
response	<p><i>Noted</i></p>
comment	<p>1917 comment by: Aéroports De Lyon</p> <p>Que se passera t-il après le 31/12/2019 si des déviations (conceptuelles par exemple) persistent? Quelles solutions s'offrent à l'exploitant? <u>Solution proposée:</u> Introduire la notion de la règle du grand-père</p>
response	<p><i>Partially accepted</i></p> <p>On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.</p>
comment	<p>1946 comment by: Aéroport de Marseille - MRS/LFML</p> <p>The qualification of an equivalent level of safety is not clear. It is difficult to distinguish between this equivalent level of safety (ELOS) and a special condition (SC). The ELOS should be defined to be clearly distinguished</p>

	<p>from SC.</p> <p>UAF wishes that the EASA adopts a definition of ELOS.</p> <p>UAF suggests the following definition: "The description of a general solution, accepted by the authority, which proposes an alternative to a certification specification (CS) or a set of CS."</p>
response	<p><i>Noted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>2011 comment by: <i>Airport Operators Association</i></p> <p>Article 7 AOA strongly supports the concept of the DAAD. Justification – The DAAD represents a very important aspect of aerodrome certification as many aerodromes have developed historically over the years and against different criteria and continue to operate safely. This is a key part of the NPA. It would lead to many more comments and objections if it were removed.</p>
response	<p><i>Noted</i></p>
comment	<p>2053 comment by: <i>Ministry of Infrastructure and Agriculture of Brandenburg</i></p> <p>Airports which fall under the scope of the BR in later times will not be able to make use of DAAD because of the limitation (Dec.31. 2019) There should be more flexibility this regulation.</p>
response	<p><i>Partially accepted</i></p> <p>On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.</p>
comment	<p>2091 comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i></p> <p>The time limit of 31 Dec 2019 should be deleted because that limitation would be detrimental to aerodromes which normally would fall under the Basic Regulation but currently are exempted therefrom due to relevant passenger/cargo movement figures. According to the current wording, operators of those aerodromes would not be able to take advantage of the acceptance of deviations from certification specifications once they need to apply for aerodrome certificates due to higher passenger/cargo movement figures after the 31 Dec 2019. EASA, however, has outlined in its Executive Summary to this draft regulation that the conversion process generally "(...) <i>includes the option of accepting deviations from European aerodrome design certification specifications when these have been in existence before the entry into force of the European CSs</i>". For that reason, deviations from CSs should be acceptable WITHOUT ANY TIME LIMIT on the condition that</p>

	<p>respective deviations have already been in existence before the regulation, including CSs, came into force.</p>
response	<p><i>Partially accepted</i></p> <p>On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.</p>
comment	<p>2260 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>The qualification of an equivalent level of safety is not clear. It is difficult to distinguish between this equivalent level of safety (ELOS) and a special condition (SC). The ELOS should be defined to be clearly distinguished from SC.</p> <p>EASA should give a definition of ELOS such as: "The description of a general solution, accepted by the authority, which proposes an alternative to a certification specification (CS) or a set of CS."</p>
response	<p><i>Noted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>2272 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #117</p> <p>ADBM - NPA 2011-20 (B.I) CR Art.7</p> <p>Référence: Article 7 Deviations from Certification Specifications</p> <p>Traduction de courtoisie</p> <p>The qualification of an equivalent level of safety is not clear. It is difficult to distinguish between this equivalent level of safety (ELOS) and a special condition (SC). The ELOS should be defined to be clearly distinguished from SC.</p> <p>ADBM wishes that the EASA adopts a definition of ELOS. ADBM suggests the following definition: "The description of a general solution, accepted by the authority, which proposes an alternative to a certification specification (CS) or a set of CS."</p>
response	<p><i>Noted</i></p> <p>Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).</p>
comment	<p>2295 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #118</p> <p>UAF NPA 2011-20 (B.I) CR Art.7</p>

Référence: Article 7
Deviations from Certification Specifications

Traduction de courtoisie

The qualification of an equivalent level of safety is not clear. It is difficult to distinguish between this equivalent level of safety (ELOS) and a special condition (SC). The ELOS should be defined to be clearly distinguished from SC. UAF wishes that the EASA adopts a definition of ELOS. UAF suggests the following definition: "The description of a general solution, accepted by the authority, which proposes an alternative to a certification specification (CS) or a set of CS."

response *Noted*

Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).

comment 2342 comment by: *East Midlands Airport - EMA/EGNX*

Support this proposal

East Midlands Airport supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years and against different criteria yet operate safely. This is a key part of the NPA and without it there would be many more comments and objections.

response *Noted*

comment 2350 comment by: *Dublin Airport Authority*

DAA supports the concept of the "Deviations Acceptance & Action Document" (DAAD) and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed on a historical basis against varying criteria and operate safely.

response *Noted*

comment 2398 comment by: *DGAC Direction Générale de l'aviation civile*

Article 7 : Deviations from Certification Specifications

Justification

France needs a mechanism by which makes possible to accept provisions regarding physical and technical conditions when they can not be justified by an ELOS or be considered as special conditions. This mechanism differs from DAAD as proposed in that it should apply not only at the issuance of the first certificates but for an aerodrome to which new elements apply. This solution must be possible without going through the procedure provided for in Article 14 of the BR.

Proposed amendments

During the certification process for the issuance of the first certificates in accordance with this Regulation and its Annexes, the competent authority may, ~~until 31 December 2019~~, accept applications for a certificate including deviations from Certification Specifications issued by the Agency, if:

(a) such deviations do not qualify as an equivalent level of safety case nor qualify as a case of special condition under ADR.AR.C.020 of Annex I; and

(b) such deviations have existed **or result of deviations existing** prior to the entry into force of this Regulation; and

(c) the essential requirements in Annex Va to Regulation (EC) No 216/2008 are respected by such deviations, supplemented by mitigating measures and corrective actions as appropriate; and

(d) a supporting safety assessment for any such deviation has been completed.

1. The competent authority shall compile the evidence supporting the conditions above in a document. This document shall not form part of the certification basis. The competent authority shall specify the period of acceptance of such deviations and inform the Agency of all such documents it has issued.

1. The conditions referred to in paragraph (1)(a), (c) and (d) above shall be reviewed and assessed by the aerodrome operator and the competent authority for their continued validity and justification, as appropriate. This document shall be amended as necessary.

response

Not accepted

On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023.

A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules. New infrastructure elements, post-2014, should always be built to the CSs.

comment

2517

comment by: *Shannon Airport*

Shanon Airport part of DAA supports the concept of the "Deviations Acceptance & Action Document" (DAAD) and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed on a historical basis against varying criteria and operate safely.

response

Noted

comment 2584 comment by: AENA - Aeropuertos Españoles y Navegación Aérea

Justification

It is needed a mechanism by which makes possible to accept provisions regarding physical and technical conditions when they can not be justified by an ELOS or be considered as special conditions. This mechanism differs from DAAD as proposed in that it should apply not only at the issuance of the first certificates but for an aerodrome to which new elements apply. This solution must be possible without going through the procedure provided for in Article 14 of the BR.

Proposed amendments

During the certification process for the issuance of the first certificates in accordance with this Regulation and its Annexes, the competent authority may, ~~until 31 December 2019,~~ accept applications for a certificate including deviations from Certification Specifications issued by the Agency, if:

(a) such deviations do not qualify as an equivalent level of safety case nor qualify as a case of special condition under ADR.AR.C.020 of Annex I; and

(b) such deviations have existed **or result of deviations existing** prior to the entry into force of this Regulation; and

(c) the essential requirements in Annex Va to Regulation (EC) No 216/2008 are respected by such deviations, supplemented by mitigating measures and corrective actions as appropriate; and

(d) a supporting safety assessment for any such deviation has been completed.

1. The competent authority shall compile the evidence supporting the conditions above in a document. This document shall not form part of the certification basis. The competent authority shall specify the period of acceptance of such deviations and inform the Agency of all such documents it has issued.

1. The conditions referred to in paragraph (1)(a), (c) and (d) above shall be reviewed and assessed by the aerodrome operator and the competent authority for their continued validity and justification, as appropriate. This document shall be amended as necessary.

Naming the document in which are compiled the evidence supporting the conditions described in this article will considerably ease the comprehension and the use of it in practice. It is proposed the name used in the explanatory note: "*Deviations Acceptance and Action Document*" and proposes to introduce this name in article 7 of the regulation.

Moreover, the DAAD can be, on some points, unlimited in time (see Explanatory Note – paragraph 32: “the DAAD action plan is not time-bound”). Moreover, the Explanatory Note – paragraph 25 states that the certificate can have a limited duration: it should be detailed here. Consequently it is proposed the following amendments to **article 7**:

“The competent authority shall compile the evidence supporting the conditions above in a the Deviations Acceptance and Action Document. This document shall not form part of the certification basis. The competent authority shall specify the period of acceptance of such deviations, which may be unlimited in time, and inform the Agency of all such documents it has issued.”

Furthermore, as the DAAD is clearly part of the aerodrome certificate, even if it is not part of the certification basis, there is a strong need to give more specifications on how to use it with regards to the certificate and so to include it in some provisions.

It is proposed to add a reference to it in paragraph (f) of **ADR.AR.C.035**, to detail that the DAAD is attached to the certificate (as explained in the Explanatory Note paragraph 32):

*“(f) The certificate is considered to include:
- the applicable certification basis with which the competent authority records compliance and any other conditions or limitations prescribed in the applicable Certification Specifications and requirements and if relevant, the deviation acceptance and action document, attached to it, which compiles the evidence supporting the conditions described in article 7 – paragraph 1 of this regulation.”*

response

Not accepted

On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023.

A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules. New infrastructure elements, post-2014, should always be built to the CSs.

comment

2590

comment by: *Infratil Airports Europe Ltd*

Page No: 13

Paragraph No: Article 7

Comment: PIK supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years and against different criteria yet operate safely. This is a key part of the NPA and without it there would be many more comments and objections.

Proposed Text: No change to this text

response

Noted

comment	2651	comment by: <i>HIA - Highlands and Islands Airports Limited</i>
	Deviations from Certification Specifications – Deviation Acceptance and Action Document (DAAD) - fully support this article particularly 1 (b).	
response	<i>Noted</i>	
comment	2681	comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>
	LJLA supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years and against different criteria yet operate safely. This is a key part of the NPA and without it there would be many more comments and objections.	
response	<i>Noted</i>	
comment	2756	comment by: <i>TAG Farnborough Airport Ltd</i>
	TAG Farnborough Airport strongly supports this article and the detail as described.	
response	<i>Noted</i>	
comment	2811	comment by: <i>Aberdeen Airport Airside Operations</i>
	Support BAA Supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years, against different criteria yet operate safely. It must be stressed that this is a very key part of the NPA and without it there would be many more comments and objections	
response	<i>Noted</i>	
comment	2830	comment by: <i>Norwich International Airport</i>
	Norwich International Airport supports the concept of the DAAD and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed historically over the years and against different criteria yet operate safely. This is a key part of the NPA and without it there would be many more comments and objections.	
response	<i>Noted</i>	
comment	2863	comment by: <i>IDRF e.V. (association of regional airports)</i>
	The principles of Art 7 are adequate to take into account historically developed aerodromes. The limitation 31 December 2019 discriminates smaller aerodromes, which are outside the scope of this regulation until this date and fall within the scope e.g. in case of increasing passenger figures after the date of 31 December 2019.	

	We suggest to delete the limitation date.
response	<p><i>Partially accepted</i></p> <p>On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.</p>
comment	<p>2897 comment by: <i>ADP : Aeroports de Paris</i></p> <p>Référence: Article 7</p> <p>Deviations from Certification Specifications</p> <p>Proposition/commentaire ADP (Aéroports de Paris) considère que la qualification d'un cas de niveau de sécurité équivalent n'est pas claire. Il est difficile de faire la différence entre ce niveau de sécurité équivalent (ELOS) et une condition spéciale (SC).</p> <p>L' ELOS doit donc être défini pour être aisément différencié d'une SC.</p> <p>L'AESA devrait préciser la définition d'un ELOS.</p> <p>Proposition de définition suivante : "description d'une solution générale acceptée par l'autorité et qui propose une alternative à une spécification de certification (CS) ou à un ensemble de CS ».</p> <p>Les procédures DDAD peuvent être illimitées, selon la spécification de l'Autorité compétente, comme indiqué dans l'article 32 de la note explicative.</p> <p>Justification</p> <p>Traduction de courtoisie The qualification of an equivalent level of safety is not clear. It is difficult to distinguish between this equivalent level of safety (ELOS) and a special condition (SC). The ELOS should be defined to be clearly distinguished from SC.</p> <p>EASA should adopt a definition of ELOS.</p> <p>The following definition is suggested: "The description of a general solution, accepted by the authority, which proposes an alternative to a certification specification (CS) or a set of CS."</p> <p>For DDAD procedures, unlimited deviations need to be considered, under the control by the competent authority, as mentioned in article 32 of the explanatory note.</p>
response	<i>Noted</i>

Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).

comment

2967

comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: Article 7	Deviations from Certification Specifications
Proposition/commentaire	<p>La qualification d'un cas de niveau de sécurité équivalent n'est pas évidente. Il est difficile de faire la différence entre ce niveau de sécurité équivalent (ELOS) et une condition spéciale (SC).</p> <p>L' ELOS doit donc être défini pour être aisément différencié d'une SC.</p> <p>ACA souhaite donc de l'AESA qu'elle se prononce sur la définition d'un ELOS.</p> <p>ACA propose la définition suivante : "description d'une solution générale acceptée par l'autorité et qui propose une alternative à une spécification de certification (CS) ou à un ensemble de CS ».</p>
Justification	
Traduction de courtoisie	<p>The qualification of an equivalent level of safety is not clear. It is difficult to distinguish between this equivalent level of safety (ELOS) and a special condition (SC). The ELOS should be defined to be clearly distinguished from SC.</p> <p>ACA wishes that the EASA adopts a definition of ELOS.</p> <p>ACA suggests the following definition: "The description of a general solution, accepted by the authority, which proposes an alternative to a certification specification (CS) or a set of CS."</p>

response

Noted

Please note that EASA does not provide a definition of ELOS but guidance material under GM-ADR.AR.015(b) (1);(2).

comment

2977

comment by: *DAA Cork Airport*

DAA supports the concept of the "Deviations Acceptance and Action Document" (DAAD) and the detail as described. This is a very important aspect of the aerodrome certification as many aerodromes have developed on a historical basis against varying criteria and operate safely.

response	<i>Noted</i>
comment	<p>3035 comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i></p> <p>The given deadline for an official acceptance referring to deviations from certification specifications should be omitted.</p> <p>Instead, aerodrome operators should be able to benefit from this stipulation also if increased passenger or cargo movement figures lead to the applicability of the Basic Regulation after 31 December 2019. Given the scope set forth in Art. 1 of the Basic Regulation, the draft version of Art. 7 – in conclusion – differentiates for no apparent reason between aerodromes, which are comparable with each other referring to size and mode of operation, only by means of figures dependent on vaguely predictable future trends, although all of these aerodromes have been (long since) in existence before the entry into force of the new European aerodrome certification specifications.</p> <p>EASA is aware of this fact, as the Executive Summary to the draft regulation indicates that the conversion process generally "(...) <i>includes the option of accepting deviations from European aerodrome design certification specifications when these have been in existence before the entry into force of the European CSs</i>".</p> <p>Consequently, deviations from CSs should be acceptable without any time limit on the condition that respective deviations, including CSs, have already been in existence before the regulation came into force.</p>
response	<p><i>Partially accepted</i></p> <p>On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.</p>
comment	<p>3100 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i></p> <p>There should not be a time limit to the granting of deviations. This article discriminates against any aerodromes which may at a later date fall under the conditions of the regulation. Deviations are specific to the individual aerodromes and therefore the competence to grant deviations should lay solely with the national authority.</p>
response	<p><i>Partially accepted</i></p> <p>On the deadline for the DAADs, please note that in the latest version of this article the period has been extended to 31 December 2023. A deadline, however, is necessary because the legislator in Art. 8a did not foresee a total grand-fathering of "old" infrastructure, but a conversion to new rules.</p>
comment	<p>3102 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i></p>

	Remove "inform the Agency" in part 2. How and to what extent the agency must be informed is not defined. Informing the agency seems an unnecessary burden for the NAA, especially as it is not clear what purpose it will serve and what the agency will do with the information.
response	<i>Accepted</i> The information requirement to the Agency has been removed. However DAAD decisions must be kept as a record by the Competent Authority.
comment	<i>3103</i> comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i> 1. (d): Why is a safety assessment necessary when the deviation has already been accepted by the authority.
response	<i>Noted</i> To ensure that the acceptance of the Competent Authority was made on a sound basis. Existing safety assessments may be used if they are relevant and their conclusions and mitigation measures are still appropriate.
comment	<i>3279</i> comment by: <i>Danish Transport Authority</i> We support the concept of the DAAD. As the EASA review of European aerodromes showed the need for developing a tool to cover the local infrastructure solutions without compromising the safety.
response	<i>Noted</i>
comment	<i>3288</i> comment by: <i>Southampton Airport</i> Southampton Airport and BAA are strongly in favour of the DAAD. This is an extremely important aspect of aerodrome certification that is distinct from other areas of aviation regulation such as flight operations. It recognises the individual and unique characteristics of aerodromes that have often evolved over many years but still operate in a safe and secure way. For Southampton Airport and BAA, this aspect is a critical part of this NPA.
response	<i>Noted</i>
comment	<i>3452</i> comment by: <i>Fraport AG</i> Support Fraport AG: Fraport support the process to achieve a certificate with a multiple kind of already existing deviations and corresponding certification options especially DAAD.
response	<i>Noted</i>
comment	<i>3453</i> comment by: <i>Fraport AG</i> Article 7 - Deviation from Certification Specifications 1.

Support /Question

During the certification process for the issuance of the first certificates in accordance with this Regulation and its Annexes, the competent authority may, until 31 December 2019, accept applications for a certificate including deviations from Certification Specifications issued by the Agency, if:...

Fraport AG: Fraport supports the time period for deviations of 6 years for the acceptance of deviations. The question is how this will work together with Article 6 paragraph 1. where the certificate has to be passed within 48 month?

response *Noted*

The DAAD is an option at the disposal of the Competent authority during the certification process or the conversion of existing certificates. In the case of conversion the DAAD has to be applied for during the 48 month during which all conversion shall take place. In consequence the deadline of now 31 Dec. 2023 applies to airports which move into the scope of the BR either because of changes/upgrades of their infrastructure or because they no longer benefit from an exemption under Art. 5.

Draft Commission Regulation - Article 8 - Obstacles – Objects
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p. 14

comment 209

comment by: *SWISS AERODROMES ASSOCIATION*

Article 8.2. should be modified in order to have the Member States ensure that the competent authority are not only consulted, but have the authority to prohibit obstacles to extend above the established height.

response *Noted*

It is not intended to install stronger requirement than states ICAO Annex 14.

comment 430

comment by: *MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen*

It should be taken into account that within the Member States' administrative organization the task of overseeing the surroundings of aerodromes might be allocated not only to one (civil aviation) authority but can also be a responsibility of several other administrative entities, such as the building control authority. Moreover, aerodrome operators – at least in Germany – have no legal power to monitor or oversee the surroundings beyond the aerodrome boundaries. Hence, Art. 8 of the Cover Regulation should respect already established administrative oversight systems related to obstacle limitation and protection areas. The draft version should only define the objective to be achieved, i.e. an effective oversight/monitoring system ensured by the Member States. Meanwhile the current wording of Art. 8 might serve well as an example of compliance and should therefore become part of AMC or GM.

response *Accepted*

Requirements for dealing with obstacles in aerodrome surroundings will be revised and addressed to Member state who will have to ensure appropriate consultation.

comment 552 comment by: *Manchester Airport plc*
 1 and 2) In the UK it is aerodrome operators who are deemed the competent authority for such consultations. WE would prefer to maintain this system.

response *Noted*
 Requirements for dealing with obstacles in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment 769 comment by: *Bezirksregierung Düsseldorf / Luftverkehr*
 Werden definierte "Hindernisfreiflächen" durch ein Vorhaben durchdrungen ist vorrangig die zuständige Luftfahrtbehörde anzuhören bzw. zu beteiligen und um Stellungnahme zu bitten. Eine direkte Beteiligung des Flugplatzunternehmers gemäß Artikel 8(1) ist grundsätzlich weder sinnvoll noch erforderlich.

If defined "obstacle limitation surfaces" should be penetrated by obstacles, the competent authority is to be listened and/or taken part and asked for statement with priority. A direct participation of the aerodrome operators, as is stated in article 8(1), is neither meaningful nor necessarily.

response *Noted*
 Requirements for dealing with obstacles in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment 796 comment by: *Union des Aéroports français - UAF*
 Attachment [#119](#)
 UAF NPA 2011-20 (B.I) CR Art.8
 Référence: article 8
 Obstacles – Objects
 Traduction de courtoisie
 We wonder how to manage the obstacle limitation surface when the obstacle is located on the territory of another State. Who is competent and how to manage this case?

response *Noted*
 The concept of obstacle management in the new rules was reviewed and addressed to Member state who will have to ensure appropriate consultation.

comment 797 comment by: *Union des Aéroports français - UAF*

	<p>Attachment #120</p> <p>UAF NPA 2011-20 (B.I) CR Art.8</p> <p>Référence: article 8 Obstacles – Objects</p> <p>Traduction de courtoisie The consultation of the aerodrome operator is positive but it should be taken into account that this could be a problem of organisation for “small” aerodromes.</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with obstacles in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>798 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #121</p> <p>UAF NPA 2011-20 (B.I) CR Art.8, 2.</p> <p>Référence: article 8 Obstacles – Objects</p> <p>Traduction de courtoisie At paragraph 2 of article 8 it should be taken into account every areas mentioned at the 1 of this article which would be : « Member States shall ensure that ... obstacle limitation and protection surfaces and other areas determined in accordance to paragraph 1 established by ...”</p>
response	<p><i>Accepted</i></p>
comment	<p>1246 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • Draft Commission Regulation - Article 8 – Obstacles - Objects (p14) <p><u>2. Justification and proposed text / comment</u></p> <p>In paragraph 1 of article 8 of the cover regulation, the aerodrome operator is consulted for all objects within the areas established by the competent authority, which are normally larger than the areas within the obstacle limitation surfaces established in its certification basis.</p> <p>In order to limit the administrative burden, the consultation of the aerodrome operator with regard to proposed constructions should be restricted to obstacles within the limits of obstacle limitation and protection surfaces established in accordance with its Certification Basis.</p> <p>Article 8 – Obstacles – Objects</p> <p><i>“1. Member States shall ensure that the competent authority and the aerodrome operators, are is consulted with regard to proposed constructions within the limits of the obstacle limitation and protection surfaces and other areas established by the competent authority in accordance with this Regulation. Member States shall ensure that the aerodrome operator is consulted for constructions within the limits of the</i></p>

obstacle limitation and protection surfaces established in accordance with the Certification Basis of the aerodrome.
[...]"

response

Noted

Requirements for dealing with obstacles in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation with regard to proposed constructions.

comment

1248

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

Cover regulation

- Draft Commission Regulation - Article 8 – Obstacles - Objects (p14)

Annexes to the cover regulation

- ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects (p30)
- ANNEX I - Part-AR - ADR.AR.C.070 — confusing, misleading and hazardous lights (p30)
- ANNEX I - Part-AR - ADR.AR.C.075 — Protection of communication, navigation and surveillance systems (p30-31)
- ANNEX I - Part-AR - ADR.AR.C.080 — Other activities (p31)
- Annex III - ADR-OPS.B.075 — Safeguarding of aerodromes (68)

AMC/GM to the IR

- AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p38)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065 — Obstacles (a) – Outer Horizontal Surface (p39)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065(a) — Obstacles – Elevation datum (p39)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles — Objects – Non instrument runways (p39)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles — Objects – non precision approach runways (p39-40)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065(a) — Obstacles — Objects –precision approach runways (p40)
- AMC-GM to Annex I - AMC3-ADR-AR.C.065(a) — Obstacles — Objects –runways meant for take-off (p40)
- AMC-GM to Annex I - AMC4-ADR-AR.C.065(a) — Obstacles — Objects – other objects (p41)
- AMC-GM to Annex I - AMC5-ADR-AR.C.065(a) — Obstacles — Objects – obstacle protection surface for visual approach slope indicator systems (p41)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p41)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(b);(c) —Obstacles — Objects – (p42-43)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(b) — Obstacles — Objects (p43)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065 (b) — Obstacles —

- Objects – wind turbines (p51)
- AMC-GM to Annex I – AMC1-ADR-AR.C.070(a) — confusing, misleading and hazardous lights (p52)
 - AMC-GM to Annex I – AMC2-ADR-AR.C.070(a) — Confusing, misleading and hazardous lights (p52)
 - AMC-GM to Annex I – AMC1-ADR-AR.C.070(b) — Confusing, misleading and hazardous lights (p53)
 - AMC-GM to Annex III - AMC1-ADR-OPS.B.075 — Safeguarding of aerodromes (p165-166)
 - AMC-GM to Annex III - AMC2-ADR-OPS.B.075 — Obstacle restriction and removal (p166-169)
 - AMC-GM to Annex III - AMC3-ADR-OPS.075 — Marking and lighting of obstacles (p169-170)
 - AMC-GM to Annex III - AMC4-ADR-OPS.B.075 — Obstacles that extends above a take-off climb surface (p170)
 - AMC-GM to Annex III - AMC5-ADR-OPS.B.075 — Objects, other than obstacles, adjacent to a take-off climb Surface (p170-171)
 - AMC-GM to Annex III - AMC6-ADR-OPS.B.075 — Obstacles that extends above an approach or transitional Surface (p171)
 - AMC-GM to Annex III - AMC7-ADR-OPS.B.075 — Fixed obstacles above a horizontal surface (p171)
 - AMC-GM to Annex III - AMC8-ADR-OPS.B.075 — Marking of objects (p172)
 - AMC-GM to Annex III - AMC9-ADR-OPS.B.075 — Location of obstacle lights (p172)

2. Justification and proposed text / comment

This comment is linked with comment 1015 in book II.

(A) The safeguarding of aerodromes is at the limit between the civil aviation competency and the land use planning competency which both may be shared with local authorities with varying splits according to the States. It is then essential to provide enough flexibility so that the Member State can establish a mechanism to manage the surroundings of the aerodrome that can fit its system and legal provisions.

This can be done by referring to other authorities of the Member State instead of the competent authority, and by indicating that the control of obstacles is done "without prejudice to the system and legal provisions of the Member State". This is a critical point for DGAC.

Note: in addition to that, OLS may expand in more than one State (Basle, Geneva, Fontarabie) and the legal context may be utterly complex.

Thus the need to modify the wording of the following provisions:

- Paragraphs (a)(2) and (a)(3) of ADR.AR.C.065 — Obstacles-Objects

"(a) The competent authority *or other authorities of the Member State shall:*

[...]

(2) *not permit new objects or extensions to existing objects, remove objects or otherwise protect the surfaces and areas established in accordance with (a)(1), as appropriate, without prejudice to the system and legal provisions of the Member State;*

(3) *not permit developments which may endanger safety due to obstacle-induced turbulence, without prejudice to the system and legal provisions of the Member State.*

- **ADR.AR.C.070 – Confusing, misleading and hazardous lights
REV**

"(a) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall ensure that sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are extinguished, screened, or modified, or are subject to any other action required in the interest of safety.

(b) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall establish protective zones around aerodromes to protect the safety of aircraft against the hazardous effects of laser emitters."

- **ADR.AR.C.075 – Protection of communication, navigation and surveillance systems**

"The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall:

(a) establish protection areas for each aeronautical communications, navigation and surveillance system;

(b) not permit, or shall modify or otherwise mitigate sources of non-visible radiation or the presence of moving or fixed objects that may interfere with, or adversely affect, the performance of the systems mentioned in subparagraph (a)."

- **ADR.AR.C.080 – Other activities**

"The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated."

- **Paragraphs (c)(3), (c)(4)(i) and (d) of AMC2-ADR-AR.C.065
(b) – Obstacles - Objects**

"WIND TØURBINES

[...] (c) Lighting – day use [...]

(3) Where the highest point of the blade on the vertical position exceeds 150 m above ground level, high-intensity white lights should be prescribed by the competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, if medium intensity lights are deemed insufficient.

(4) Obstacle lights should be installed on the nacelle in such a manner as to provide an unobstructed view for aircraft approaching them from any direction.

(i) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels.

(ii)[...]

(d) Lighting – night use

(1) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe medium-intensity flashing red lights instead of white lights. [...]

(2) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels if it is deemed necessary; these lights should be low-intensity fixed red lights Type A or Type B. The wind turbine rotor should not shield lights on intermediate levels.

[...]"

- **Paragraph (b) of AMC1-ADR.AR.C.070(a) – Confusing, misleading and hazardous lights**

"LIGHTS THAT MAY ENDANGER THE SAFETY OF AIRCRAFT

[...]

(b) The competent authority should have as appropriate arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, in order to achieve (a) above."

- **Paragraph (b) of AMC2-ADR.AR.C.070(a) – Confusing, misleading and hazardous lights**

"LIGHTS WHICH MAY CAUSE CONFUSION

[...]

(b) Arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in place, as appropriate, to achieve (a) above."

- **Paragraph (a) of AMC1-ADR.AR.C.070 (b) – Confusing, misleading and hazardous lights**

"LASER EMISSIONS WHICH MAY ENDANGER SAFETY

(a) The competent authority should ensure that the following protected zones are established and implemented around an aerodrome and that appropriate arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in place, in order to protect the safety of aircraft against the hazardous effects of laser emitters:

[...]"

(B) The control of surroundings is dealt with through two tiers:

- the aerodrome operator's monitoring, within the limit of its responsibilities, and through its notified certification basis and
- the Member States' mechanisms established for such purpose.

Consequently, the following principles are to be pursued in the proposed implementing rules and proposed certification specifications:

1. The requirements for the authority in part AR should take into account the fact that the control of obstacles is strongly linked to the land use planning laws, thus all that can be expected from the Member State is the establishment of a mechanism to safeguard the surroundings of the aerodromes. This is done case by case for each aerodrome, so it is essential to provide enough flexibility in these rules to allow necessary arrangements to fit to each aerodrome environment and context. The logic understood by DGAC is that authorities establish surfaces relying on what is notified in the certification basis of the aerodrome, but with some adaptations for instance to take into account future developments of the aerodrome.
2. The requirements for the aerodrome operator on that subject should be in the book of certification specifications only, and should not be duplicated in the part OPS. Moreover, it is essential that these requirements take into account the fact that outside the boundaries of the aerodrome, the aerodrome operator has absolutely no legal power to control obstacles. All that can be expected from the aerodrome operator outside its boundaries is the establishment of OLS, which the aerodrome operator should

propose to the competent authority in accordance with AMC1-ADR.OR.B.015(b)(1);(2);(3), and their oversight within its line of sight.

The first principle leads to review the part AR corresponding to the article 8 of the cover regulation, in particular ADR-AR.C.065 and corresponding AMCs and GMs. Comments for each provision have been done in the specific DGAC's comments.

The second principle leads to delete from the part OPS all the provisions related to the monitoring of the surroundings and related to the limitation and marking and/or lighting of obstacles.

Indeed, AMC/GM Part OPS should only reflect the Essential Requirements stated in Section B.1(b) of Annex Va, which specifies that "*the aerodrome operator shall verify that the requirements of Section A are complied with at all times or take appropriate measures to mitigate the risks associated with non-compliance. Procedures shall be established and applied to make all users aware of such measures in a timely manner*". Thus the rules stated by Part OPS need only to impose the fact that the aerodrome operator shall have procedures in place for mitigating the risks associated with obstacles and other activities within the monitored areas that could impact safety.

DGAC proposes the following modifications of ADR-OPS.B.075 and AMC1-ADR-OPS.B.075, and to delete the all other corresponding AMCs and GMs, given the fact that all of them are already dealt with in the book of certification specifications.

Note: it is proposed to delete (a)(3) of ADR-OPS.B.075 because already covered by paragraph (b) and confusing given the fact that the aerodrome has no legal power on the areas outside its boundaries.

ADR-OPS.B.075 – Safeguarding of aerodromes

"(a) The aerodrome operator shall have procedures to monitor on the aerodrome and surroundings within the areas defined in coordination with the competent authority:

(1) obstacle limitation surface and protection surfaces of navigation aids as established in accordance with the Certification Basis of the aerodrome in order to take appropriate action to mitigate the risk associated with regard to their penetration of by obstacle limitation surfaces or other safeguarding surfaces;

(2) marking and lighting of obstacles in accordance with the Certification Basis of the aerodrome in order to be able to take action as appropriate;

(3) hazards related to human activities and land use in order to take action as appropriate.

(b) The aerodrome operator shall have procedures in place, without prejudice to the system and legal provisions of the member State, for mitigating the risks associated with obstacles, developments and other activities within the monitored areas that could impact safe operations of aircraft operating at, to or from the aerodrome."

AMC1-ADR-OPS.B.075 – Safeguarding of aerodromes (p165-166)

"(a) The aerodrome operator should have procedures to monitor the changes in the obstacle environment, marking and lighting and in human activities or land use on the aerodrome and its surroundings areas defined in coordination with the competent authority. The scope, limits, tasks and responsibilities for the monitoring should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.

(b) The limits of the aerodrome surroundings that should be monitored by the aerodrome operator are defined in coordination with the competent

authority and should include the areas that can be visually monitored during the inspections of the manoeuvring area.

(c) The aerodrome operator should have procedures to mitigate the risks associated with changes on the aerodrome and its surroundings identified with the monitoring procedures. The scope, limits, tasks and responsibilities for the mitigation of risks associated to obstacles or hazards outside the perimeter fence of the aerodrome should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.

~~(d) The risks caused by human activities and land use which should be assessed and mitigated should include:~~

~~(1) obstacles and the possibility of induced turbulence;~~

~~(2) the use of hazardous, confusing and misleading lights;~~

~~(3) the dazzling caused by large and highly reflective surfaces;~~

~~(4) sources of non-visible radiation or the presence of moving or fixed objects which may interfere with, or adversely affect, the performance of aeronautical communications, navigation and surveillance systems;~~

~~(5) non-aeronautical ground light near an aerodrome which may endanger the safety of aircraft and which should be extinguished, screened or otherwise modified so as to eliminate the source of danger."~~

~~AMC2 ADR OPS.B.075 — Obstacle restriction and removal (p166-169)~~

Note: these provisions are already dealt with in:

- CS-ADR-DSN.B.165 — Objects on runway strips (p18),
- CS-ADR-DSN.B.170 — Non-precision approach and non-instrument runway strips (p19),
- CS-ADR-DSN.J.475 — Non-precision approach runways (p45),
- CS-ADR-DSN.J.480 — Precision approach runways (p46),
- CS-ADR-DSN.J.485 — Runways meant for take-off (p47),
- CS-ADR-DSN.T.915 - Siting of equipment and installations on operational areas (p167)

~~AMC3 ADR OPS.B.075 — Marking and lighting of obstacles (p169-170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC4 ADR OPS.B.075 — Obstacles that extends above a take off climb surface (p170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC5 ADR OPS.B.075 — Objects, other than obstacles, adjacent to a take off climb Surface (p170-171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC6 ADR OPS.B.075 — Obstacles that extends above an approach or transitional Surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146).

~~AMC7 ADR OPS.B.075 — Fixed obstacles above a horizontal surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 —

Objects to be marked and/or lighted (p146-147).

~~AMC8 ADR OPS.B.075 — Marking of objects (p172)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.845 — Marking of objects (p147).

~~AMC9 ADR OPS.B.075 — Location of obstacle lights (p172)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.850 — Lighting of objects (p150).

response *Noted*

comment 1307 comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- Draft Commission Regulation - Article 8 – Obstacles - Objects (p14)
- ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects (c) (p30)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p41)

2. Justification and proposed text / comment

This comment is linked with comment 1026 in book II.

Paragraph 2 of Article 8, Paragraph (c) of ADR.AR.C.065 and AMC1-ADR-AR.C.065 (b);(c) (page 41) deal with areas beyond the obstacle limitation surfaces which is out of the scope of application of Implementing Rules for aerodromes as it is part of the airspace regulation (obstacles beyond the OLS are ATM matters). Thus DGAC proposes to delete them.

Article 8 – Obstacles – Objects

"[...]2. Member States shall ensure that the competent authority is consulted with regard to proposed constructions beyond the limits of the obstacle limitation surfaces, established by the competent authority in accordance with this Regulation, and which extend above a height established by that authority."

ADR.AR.C.065 — Obstacles-Objects

"[...] (c) The competent authority shall ensure that an aeronautical study is conducted to determine the effect on the operation of aircraft by constructions, beyond the limits of the obstacle limitation surfaces, established in accordance with paragraph (a), and which extend above a height established by that authority."

In areas beyond the limits of the obstacle limitation surfaces, at least those objects which extend to a height of 150 m or more above ground elevation shall be regarded as obstacles, unless an aeronautical study indicates that they do not constitute a hazard to aircraft."

~~AMC1 ADR AR.C.065 (b);(c) — Obstacles — Objects "OBSTACLES BEYOND THE OBSTACLE LIMITATION SURFACES"~~

response *Partially accepted*

Requirements for dealing with obstacles will be revised and addressed to Member State in order to be in line with Basic Regulation.
Articles ADR.AR.C.065 (c) and GM1-ADR-AR.C.065 (b);(c) will be removed.

comment 1572 comment by: *Euroairport Bâle-Mulhouse*

	<p>Attachment #122</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.8</p> <p>Référence: article 8 Obstacles - Objects</p> <p>Traduction de courtoisie The consultation of the aerodrome operator is positive but it should be taken into account that this could be a problem of organisation for "small" aerodromes.</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with obstacles in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>1573 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #123</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.8</p> <p>Référence: article 8 Obstacles - Objects</p> <p>Traduction de courtoisie We wonder how to manage the obstacle limitation surface when the obstacle is located on the territory of another State. Who is competent and how to manage this case?</p>
response	<p><i>Noted</i></p> <p>The concept of obstacle management in the new rules was reviewed and addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>1574 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.8, 2.</p> <p>Référence: article 8 Obstacles - Objects</p> <p>Traduction de courtoisie At paragraph 2 of article 8 it should be taken into account every areas mentioned at the 1 of this article which would be : « Member States shall ensure that ... obstacle limitation and protection surfaces and other areas determined in accordance to paragraph 1 established by ..."»</p>
response	<p><i>Accepted</i></p>
comment	<p>1636 comment by: <i>Swedish Transport Agency</i></p> <p>Very good!</p>
response	<p><i>Noted</i></p>

comment

1745

comment by: UK CAA

Page No: 14**Paragraph No:** Articles 8, 9 and 10

Comment: The proposal includes provisions on safeguarding related to obstacles and objects, sources of lights and land use planning. It also imposes duties on the competent authority which, due to the construction of the draft IR, can only be the authority which issues the certificate (the CAA in this case). The CAA does not consider that these articles and related provisions in the annex correctly reflect the provisions of Regulation (EC) No 216/2008 ("Basic EASA Regulation").

Justification: Safeguarding is not mentioned in the measures to be adopted under article 8a.5 of the Basic Regulation. Article 8a.3 makes it clear that it is for Member States and not the Commission to adopt the necessary measures for this. Article 8a.4 of the Basic Regulation specifically requires aerodrome operators to monitor activities for safeguarding purposes. The implementing measures under the Basic Regulation should not therefore require Member States to designate a competent authority for these purposes.

A specific reference to including in the IRs related measures to be taken by competent authorities was deleted from the original Commission proposal during negotiations, because Member States argued that EASA should not set rules or monitor activities that in Member States may be outside the scope of aviation authorities. For example, in the UK many of the responsibilities assigned by this proposal to the "aviation" competent authority currently fall within government/local planning authority.

Proposed Text: Delete Articles 8, 9 and 10.

response

Accepted

Requirements for dealing with obstacles in aerodrome surroundings will be revised to reflect the Basic Regulation and addressed to Member state who will have to ensure appropriate consultation.

comment

1907

comment by: Aéroports De Lyon

La rédaction proposée par l'EASA augmente les missions et responsabilités de l'exploitant d'aérodrome.

La consultation de l'exploitant d'aérodrome doit être une consultation facultative ne liant pas la décision de l'état et par conséquent n'engageant pas la responsabilité de l'exploitant d'aérodrome. Proposition n°1: "Member states shall ensure that the competent authority, and **if deemed necessary by it**, the aerodrome operators are consulted"

Proposition n°2: "Member states shall ensure that the competent authority, and the aerodrome operators are **informed**"

response

Partially accepted

Requirements for dealing with obstacles in aerodrome surroundings will be

addressed to Member state who will have to ensure appropriate consultation.

comment

1947

comment by: *Aéroport de Marseille - MRS/LFML*

The consultation of the aerodrome operator is positive but it should be taken into account that this could be a problem of organisation for "small" aerodromes.

At paragraph 2 of article 8 it should be taken into account every areas mentioned at the 1 of this article which would be : « Member States shall ensure that ... obstacle limitation and protection surfaces and other areas determined in accordance to paragraph 1 established by ..." »

response

Accepted

comment

2093

comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

Overseeing the surrounding of aerodromes is in Germany not primarily a competence of the Civil Aviation Authority but of various authorities like those responsible for land use planning or may even related to police issues. It would not be acceptable to adapt the national legal and organizational system to these new requirements, especially since no added value to the actual situation concerning the management of airport vicinity is to be expected. What can be expected from Member States though is the establishment of legal mechanisms to safeguard the surrounding of airports, in case such a system should not be in place already. Therefore, we strongly advise to clarify in Article 8 and all respective provisions in the annexes to the Cover Regulation, and accordingly in respective AMC/GM to the IRs, that also other authorities of the Member States than the CAA might be competent and that the rules that are being set by EASA are without prejudice to the system and legal provisions of the Member States.

Concerning aerodrome operators it has to be absolutely clear that they have no legal power outside the boundaries of the aerodrome. All that can be asked from aerodrome operators in this respect is to have procedures in place for mitigating the risks associated with obstacles and other activities within the monitored areas. This has to be taken into account especially in the provisions in Part OPS.

response

Accepted

Requirements for dealing with obstacles in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment

2258

comment by: *Pau Pyrénées Airport - PUF/LFBP*

Art.8

We wonder how to manage the obstacle limitation surface when the obstacle is located on the territory of another State. Who is competent and how to manage this case?

The consultation of the aerodrome operator is positive but it should be

	<p>taken into account that this could be a problem of organisation for "small" aerodromes.</p> <p>Art.8.2</p> <p>At paragraph 2 of article 8 it should be taken into account every areas mentioned at the 1 of this article which would be : « Member States shall ensure that ... obstacle limitation and protection surfaces and other areas determined in accordance to paragraph 1 established by ..."</p>
response	<i>Accepted</i>
comment	<p>2273 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #124</p> <p>ADBM - NPA 2011-20 (B.I) CR Art.8</p> <p>Référence: article 8 Obstacles – Objects</p> <p>Traduction de courtoisie We wonder how to manage the obstacle limitation surface when the obstacle is located on the territory of another State. Who is competent and how to manage this case?</p>
response	<p><i>Noted</i></p> <p>The concept of obstacle management in the new rules was reviewed and addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>2297 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #125</p> <p>UAF NPA 2011-20 (B.I) CR Art.8</p> <p>Référence: article 8 Obstacles – Objects</p> <p>Traduction de courtoisie We wonder how to manage the obstacle limitation surface when the obstacle is located on the territory of another State. Who is competent and how to manage this case?</p>
response	<p><i>Noted</i></p> <p>The concept of obstacle management in the new rules was reviewed and addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>2562 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i></p> <p>In paragraph 1 of article 8 of the cover regulation, the aerodrome operator is consulted for all objects within the areas established by the competent authority, which are normally larger than the areas within the obstacle</p>

limitation surfaces established in its certification basis.

In order to limit the administrative burden, the consultation of the aerodrome operator with regard to proposed constructions should be restricted to obstacles within the limits of obstacle limitation and protection surfaces established in accordance with its Certification Basis.

Article 8 – Obstacles – Objects

"1. Member States shall ensure that the competent authority ~~and the aerodrome operators, are~~ ^{is} consulted with regard to proposed constructions within the limits of the obstacle limitation and protection surfaces and other areas established by the competent authority in accordance with this Regulation. Member States shall ensure that the aerodrome operator is consulted for constructions within the limits of the obstacle limitation and protection surfaces established in accordance with the Certification Basis of the aerodrome.

[...]"

Paragraph 2 of Article 8, Paragraph (c) of ADR.AR.C.065 and AMC1-ADR-AR.C.065 (b);(c) (page 41) deal with areas beyond the obstacle limitation surfaces which is out of the scope of application of Implementing Rules for aerodromes as it is part of the airspace regulation (obstacles beyond the OLS are ATM matters). Thus it is proposed to delete them.

Article 8 – Obstacles – Objects

"[...]~~2. Member States shall ensure that the competent authority is consulted with regard to proposed constructions beyond the limits of the obstacle limitation surfaces, established by the competent authority in accordance with this Regulation, and which extend above a height established by that authority.~~"

ADR.AR.C.065 – Obstacles-Objects

"[...]~~(c) The competent authority shall ensure that an aeronautical study is conducted to determine the effect on the operation of aircraft by constructions, beyond the limits of the obstacle limitation surfaces, established in accordance with paragraph (a), and which extend above a height established by that authority.~~

In areas beyond the limits of the obstacle limitation surfaces, at least those objects which extend to a height of 150 m or more above ground elevation shall be regarded as obstacles, unless an aeronautical study indicates that they do not constitute a hazard to aircraft."

~~AMC1-ADR-AR.C.065 (b);(c) – Obstacles – Objects~~ "OBSTACLES BEYOND THE OBSTACLE LIMITATION SURFACES"

response *Partially accepted*

Requirements for dealing with obstacles in aerodrome surroundings will be revised to be in line with the Basic Regulation and addressed to Member state who will have to ensure appropriate consultation with regard to proposed constructions.

Articles ADR.AR.C.065 and AMC1-ADR-AR.C.065 (b);(c) will be removed.

comment

2591

comment by: *Infratil Airports Europe Ltd*

Page No: 14

Paragraph No: Article 8, 1 & 2

Comment: The focus of this requirement should be realigned with the Aerodrome Operator.

Justification: It is not the role of the Competent Authority to be directly consulted with, this is a role for the Aerodrome Operator. The role of the Competent Authority is to set the rules to ensure that Aerodrome Operators are consulted with regard applications within given limits. UK Aerodromes have been carrying out this function without input from the Authority for many years successfully and safely. The Authority would be requested to intervene in the case of a dispute where air safety was seen to be at risk. Inclusion of the Authority in consultation would be an unnecessary additional layer in the process and would most likely result in a financial charge to the Aerodrome Operators.

Proposed Text:

1. Member States shall ensure that the ~~competent authority~~ and the aerodrome operators are consulted with regard to proposed constructions within the limits of the obstacle limitation and protection surfaces and other areas established by the competent authority in accordance with this Regulation.

2. Member States shall ensure that the ~~competent authority~~ aerodrome operators are ~~is~~ consulted with regard to proposed constructions beyond the limits of the obstacle limitation surfaces, established by the competent authority in accordance with this Regulation, and which extend above a height established by that authority.

response *Partially accepted*

Requirements for dealing with obstacles in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment 2652 comment by: HIA - Highlands and Islands Airports Limited

Consultation regarding proposed constructions around airports. Fully support this article.

Consider adding -

Member States shall ensure that appropriate safeguarding, planning, consultation and enforcement measures are implemented with regard to proposed constructions within the limits of the obstacle limitation and protection surfaces, and other areas established by the competent authority in accordance with this regulation in particular navigation aids such as radar installations.

response *Noted*

Based on analysis of the Basic regulation the concept of obstacle management in the new rules was fundamentally reviewed.

comment 2900 comment by: ADP : Aeroports de Paris

Référence: article 8

Obstacles - Objects

Proposition/commentaire

ADP (Aéroports de Paris) considère que le paragraphe 2 de l'article 8 devrait être modifié comme suit : "Member States shall ensure that the competent authority and, if deemed necessary by it, the aerodrome operators are consulted..."

Justification

Voir le 3ieme commentaire général ref. n° 2867

En matière de prévention des obstacles en dehors du périmètre de l'aéroport, chaque Etat doit pouvoir déterminer le cadre institutionnel et juridique approprié pour atteindre l'objectif de sécurité aérienne. Une plus grande flexibilité est nécessaire pour prendre en compte les missions des autorités publiques et les règles nationales en matière d'urbanisme and éviter un accroissement des charges administratives pouvant générer des difficultés pour un grand nombre d'exploitants d'aérodrome.

Traduction de courtoisie

Paragraph 2 of Article 8 should be amended as followed : "Member States shall ensure that the competent authority and, if deemed necessary by it, the aerodrome operators are consulted..."

See 3rd general comment n° 2867

Concerning the safeguarding of airports outside the perimeter fence, each Member State should be allowed to set up the proper institutional and legal framework to achieve the aviation safety objective. A greater flexibility is needed to take into account the responsibilities of public authorities and national laws on land use and avoid additional administrative burden and cost which would be detrimental for a lot of airport operators.

response *Partially accepted*

Requirements for dealing with obstacle management in aerodrome surroundings will be revised and addressed to Member state who will have to ensure appropriate consultation.

comment 2968 comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: article 8	Obstacles - Objects
Proposition/commentaire	La question du cas des surfaces de limitation d'obstacles se trouvant sur un autre Etat est posée pour savoir de quelle autorité compétente il s'agit et comment le traiter.
Justification	
Traduction de courtoisie	We wonder how to manage the obstacle limitation surface when the obstacle is located on the territory of another State. Who is competent and how to manage this case?

response

Noted

The concept of obstacle management in the new rules was reviewed and addressed to Member state who will have to ensure appropriate consultation.

comment

2969

comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: article 8	Obstacles - Objects
Proposition/commentaire	La consultation de l'exploitant d'aérodrome est un point positif mais il ne devra pas être oublié que cela peut poser un problème d'organisation pour les « petits » aérodromes.
Justification	
Traduction de courtoisie	The consultation of the aerodrome operator is positive but it should be taken into account that this could be a problem of organisation for "small" aerodromes.

response

Noted

Requirements for dealing with obstacles in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment

2970

comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: article 8	Obstacles - Objects
Proposition/commentaire	Il convient de prendre en compte au paragraphe 2 de l'article 8 toutes les aires indiquées au 1 de ce même article ce qui donnerait : « Member States shall ensure that ... obstacle limitation and protection surfaces and other areas determined in accordance to paragraph 1 established by ..." »
Justification	
Traduction de courtoisie	At paragraph 2 of article 8 it should be taken into account every areas mentioned at the 1 of this article which would be : « Member States shall ensure that ... obstacle limitation and protection surfaces and other areas determined in accordance to paragraph 1 established by ..." »

response

Accepted

comment

3040

comment by: *BMVBS - Federal Ministry of Transport, Building and Urban Development*

Overseeing the surrounding of aerodromes is in Germany not primarily a competence of the Civil Aviation Authority but of various authorities like those responsible for land use planning or may even related to police issues. It would not be acceptable to adapt the national legal and organizational system to these new requirements, especially since no added value to the actual situation concerning the management of airport vicinity is to be expected. What can be expected from Member States though is the establishment of legal mechanisms to safeguard the surrounding of airports, in case such a system should not be in place already. Therefore, we strongly advise to clarify in Article 8 and all respective provisions in the annexes to the Cover Regulation, and accordingly in respective AMC/GM to the IRs, that also other authorities of the Member States than the CAA might be competent and that the rules that are being set by EASA are without prejudice to the system and legal provisions of the Member States.

Concerning aerodrome operators it has to be absolutely clear that they have no legal power outside the boundaries of the aerodrome. All that can be asked from aerodrome operators in this respect is to have procedures in place for mitigating the risks associated with obstacles and other activities within the monitored areas. This has to be taken into account especially in the provisions in Part OPS.

response

Accepted

Requirements for dealing with obstacles in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment

3280

comment by: *Danish Transport Authority*

We support the proposal of covering the objects/obstacles beyond the limits of the obstacle limitation surfaces to an aerodrome. Its the obvious choice to cover this area to this regulation. However, need for more harmonization should bein focus, referring to comments under paragraph AMC2-ADR-AR.C.065 (b) in B.II.

response

Noted

comment

3570

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*Attachment [#126](#)

ADBM - NPA 2011-20 (B.I) CR Art.8

Référence: article 8

Obstacles

-

Objects

Traduction

de

courtoisie

The consultation of the aerodrome operator is positive but it should be taken into account that this could be a problem of organisation for "small" aerodromes.

response

Noted

Requirements for dealing with obstacles in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate

consultation.

comment

3571

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#127](#)

ADBM - NPA 2011-20 (B.I) CR Art.8, 2.

Référence: article 8

Obstacles

-

Objects

Traduction

de

courtoisie

At paragraph 2 of article 8 it should be taken into account every areas mentioned at the 1 of this article which would be : « Member States shall ensure that ... obstacle limitation and protection surfaces and other areas determined in accordance to paragraph 1 established by ..."»

response

Accepted

comment

3572

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#128](#)

ADBM - NPA 2011-20 (B.I) CR Art.8, 2.

Référence: article 8 Obstacles – Objects

Traduction de courtoisie

At paragraph 2 of article 8 it should be taken into account every areas mentioned at the 1 of this article which would be : « Member States shall ensure that ... obstacle limitation and protection surfaces and other areas determined in accordance to paragraph 1 established by ..."»

response

Accepted

comment

3593

comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#129](#)

UAF NPA 2011-20 (B.I) CR Art.8

Référence: article 8

Obstacles – Objects

Traduction de courtoisie

The consultation of the aerodrome operator is positive but it should be taken into account that this could be a problem of organisation for "small" aerodromes.

response

Noted

Requirements for dealing with obstacles in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment	3594	comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i>
	Attachment #130	
	<p>UAF NPA 2011-20 (B.I) CR Art.8, 2. Référence: article 8 Obstacles – Objects Traduction de courtoisie At paragraph 2 of article 8 it should be taken into account every areas mentioned at the 1 of this article which would be : « Member States shall ensure that ... obstacle limitation and protection surfaces and other areas determined in accordance to paragraph 1 established by ..."»</p>	
response	<i>Accepted</i>	

Draft Commission Regulation - Article 9 - Sources of lights
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p. 14

comment	187	comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i>
	<p>The definition of the term "vicinity of the aerodrome" is missing</p> <p>It should be considered that within the Member States' administrative organization the task of safeguarding the safe operation of aerodromes might be allocated not only to one (civil aviation) authority but can also be a responsibility of several other specialised administrative entities, such as local (municipal) public order offices or even the police. Moreover, aerodrome operators – at least in Germany – have no legal power to monitor or oversee the surroundings and safety-endangering activities beyond the aerodrome boundaries. Hence, Art. 9 of the Cover Regulation should respect already established administrative oversight systems concerning these safety hazards. The draft version should only define the objective to be achieved, i.e. an effective oversight/monitoring system ensured by the Member States. Meanwhile, the current wording of Art. 9 might serve well as an example of compliance and should therefore become part of AMC or GM.</p>	
response	<i>Accepted</i>	
	<p>The term "vicinity" will be replaced by term "surroundings" to be in line with the Basic Regulation terminology. Requirements for dealing with sources of lights in aerodrome surroundings will be revised and addressed to Member state who will have to ensure appropriate consultation.</p>	
comment	326	comment by: <i>Danish Transport Authority</i>
	<p>EDITORIAL: If the article covers both the "en route" segment air navigation and operations of an aerodrome, the consultation of the competent authority and the aerodrome operator shall be in cases in vicinity of the aerodrome.</p>	
response	<i>Accepted</i>	
	<p>Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate</p>	

	consultation.	
comment	553	comment by: <i>Manchester Airport plc</i>
	In the UK the aerodrome operator is the competent authority for this task. We would prefer to remain with that system.	
response	<i>Noted</i>	
	Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.	
comment	780	comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i>
	Sollen Befeuerungen oder Lichtenanlagen, die zu Blendungen bzw. Gefährdungen führen können, in der Nähe eines Flugplatzes errichtet werden, ist vorrangig die zuständige Luftfahrtbehörde anzuhören bzw. zu beteiligen und um Stellungnahme zu bitten. Eine direkte Beteiligung des Flugplatzunternehmers gemäß Artikel 9(2) ist grundsätzlich weder sinnvoll noch erforderlich.	
	<i>If sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome should be established in the vicinity of an aerodrome, the competent authority is to be listened and/or taken part and asked for statement with priority. A direct participation of the aerodrome operators, as is stated in article 9(2), is neither meaningful nor necessarily.</i>	
response	<i>Noted</i>	
	Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.	
comment	781	comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i>
	Es fehlt eine Definition/Festlegung für den Begriff "Umgebung eines Flugplatzes" in Artikel 9(2).	
	<i>There is no definition for the expression "vicinity of the aerodrome" in article 9(2).</i>	
response	<i>Noted</i>	
	The term "vicinity" will be replaced with "surroundings" to be in line with Basic Regulation terminology. As different size may be considered as "surroundings" for different activities which should be monitored and is also subject to local conditions, "aerodrome surroundings" will not be defined.	
comment	799	comment by: <i>Union des Aéroports français - UAF</i>
	Attachment #131	

	<p>UAF NPA 2011-20 (B.I) CR Art.9, 2.</p> <p>Référence: article 9, 2. "Member States shall ensure that the competent authority and the aerodrome operators are consulted when such sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are proposed in the vicinity of the aerodrome."</p> <p>Traduction de courtoisie The consultation of the aerodrome operator reinforces his/her role but it could be a problem of organisation for "small" aerodromes.</p>
response	<p><i>Partially accepted</i></p> <p>Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>1575 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #132</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.9, 2.</p> <p>Référence: article 9, 2. "Member States shall ensure that the competent authority and the aerodrome operators are consulted when such sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are proposed in the vicinity of the aerodrome."</p> <p>Traduction de courtoisie The consultation of the aerodrome operator reinforces his/her role but it could be a problem of organisation for "small" aerodromes.</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>1637 comment by: <i>Swedish Transport Agency</i></p> <p>It must be coordinated with ATS.</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>1948 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>The consultation of the aerodrome operator reinforces his/her role but it could be a problem of organisation for "small" aerodromes.</p>
response	<p><i>Noted</i></p>

Requirements dealing with sources of lights in aerodrome surroundings will be rearranged and addressed to Member state who will have to ensure appropriate consultation.

comment

2095

comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

Overseeing the surrounding of aerodromes is in Germany not primarily a competence of the Civil Aviation Authority but of various authorities like those responsible for land use planning or may even related to police issues. It would not be acceptable to adapt the national legal and organizational system to these new requirements, especially since no added value to the actual situation concerning the management of airport vicinity is to be expected. What can be expected from Member States though is the establishment of legal mechanisms to safeguard the surrounding of airports, in case such a system should not be in place already. Therefore, we strongly advise to clarify in Article 9 and all respective provisions in the annexes to the Cover Regulation, and accordingly in respective AMC/GM to the IRs that also other authorities of the Member States than the CAA might be competent and that the rules that are being set by EASA are without prejudice to the system and legal provisions of the Member States.

Concerning aerodrome operators it has to be absolutely clear that they have no legal power outside the boundaries of the aerodrome. All that can be asked from aerodrome operators in this respect is to have procedures in place for mitigating the risks associated with obstacles and other activities within the monitored areas. This has to be taken into account especially in the provisions in Part OPS.

response

Accepted

Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment

2210

comment by: *ADP : Aeroports de Paris*

Référence: article 9, 2.

"Member States shall ensure that the competent authority and the aerodrome operators are consulted when such sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are proposed in the vicinity of the aerodrome."

Proposition/commentaire

ADP (Aéroports de Paris) considère que le paragraphe 2 de l'article 9 devrait être modifié comme suit : "Member States shall ensure that the competent authority and, if deemed necessary by it, the aerodrome operators are consulted..."

Justification

Voir le 3ieme commentaire général ref n° 2867

En matière de prévention des risques causés par les sources lumineuses

en dehors de l'aéroport, chaque Etat doit pouvoir déterminer le cadre institutionnel et juridique approprié pour atteindre l'objectif de sécurité aérienne. Une plus grande flexibilité est nécessaire pour prendre en compte les missions des autorités publiques et les règles nationales en matière d'urbanisme and éviter un accroissement des charges administratives pouvant générer des difficultés pour un grand nombre d'exploitants d'aérodrome.

Traduction de courtoisie

Paragraph 2 of Article 9 should be amended as followed : "Member States shall ensure that the competent authority and, if deemed necessary by it, the aerodrome operators are consulted..."

See 3rd general comment ref n° 2867

Concerning the prevention of hazards related to sources of lights in the surroundings of the aerodrome, each Member State should be allowed to set up the proper institutional and legal framework to achieve the aviation safety objective. A greater flexibility is needed to take into account the responsibilities of public authorities and national laws on land use and avoid additional administrative burden and cost which would be detrimental for a lot of airport operators.

response *Partially accepted*

Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment

2255

comment by: *Pau Pyrénées Airport - PUF/LFBP*

article 9.2

The consultation of the aerodrome operator reinforces his/her role but it could be a problem of organisation for "small" aerodromes. Consultation does not mean responsibility.

response

Partially accepted

Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment

2274

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#133](#)

ADBM - NPA 2011-20 (B.I) CR Art.9, 2.

Référence: article 9, 2.

"Member States shall ensure that the competent authority and the aerodrome operators are consulted when such sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are proposed in the vicinity of the aerodrome."

Traduction de courtoisie

response	<p>The consultation of the aerodrome operator reinforces his/her role but it could be a problem of organisation for "small" aerodromes.</p> <p><i>Partially accepted</i></p> <p>Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>2299 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #134</p> <p>UAF NPA 2011-20 (B.I) CR Art.9, 2. Référence: article 9, 2. "Member States shall ensure that the competent authority and the aerodrome operators are consulted when such sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are proposed in the vicinity of the aerodrome." Traduction de courtoisie The consultation of the aerodrome operator reinforces his/her role but it could be a problem of organisation for "small" aerodromes.</p>
response	<p><i>Partially accepted</i></p> <p>Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>2592 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 14</p> <p>Paragraph No: Article 9, 2</p> <p>Comment: The focus of this requirement should be realigned with the Aerodrome Operator.</p> <p>Justification: It is not the role of the Competent Authority to be directly consulted with, this is a role for the Aerodrome Operator. The role of the Competent Authority is to set the rules to ensure that Aerodrome Operators are consulted with regard applications within given limits. UK Aerodromes have been carrying out this function without input from the Authority for many years successfully and safely. The Authority would be requested to intervene in the case of a dispute where air safety was seen to be at risk. Inclusion of the Authority in consultation would be an unnecessary additional layer in the process and would most likely result in a financial charge to the Aerodrome Operators.</p> <p>Proposed Text: 2. Member States shall ensure that the competent authority and the aerodrome operators are consulted when such sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are proposed in the vicinity of the aerodrome</p>
response	<p><i>Partially accepted</i></p>

Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment	2653	comment by: <i>HIA - Highlands and Islands Airports Limited</i>
		Support this article
response		<i>Noted</i>

comment	2971	comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>								
		<table border="1"> <tr> <td>Référence: article 9, 2.</td> <td>"Member States shall ensure that the competent authority and the aerodrome operators are consulted when such sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are proposed in the vicinity of the aerodrome."</td> </tr> <tr> <td>Proposition/commentaire</td> <td>La consultation de l'exploitant d'aérodrome pour les opérations visées permet un renforcement du rôle de l'aéroport mais elle peut poser un problème organisationnel pour les « petits » aérodromes.</td> </tr> <tr> <td>Justification</td> <td></td> </tr> <tr> <td>Traduction de courtoisie</td> <td>The consultation of the aerodrome operator reinforces his/her role but it could be a problem of organisation for "small" aerodromes.</td> </tr> </table>	Référence: article 9, 2.	"Member States shall ensure that the competent authority and the aerodrome operators are consulted when such sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are proposed in the vicinity of the aerodrome."	Proposition/commentaire	La consultation de l'exploitant d'aérodrome pour les opérations visées permet un renforcement du rôle de l'aéroport mais elle peut poser un problème organisationnel pour les « petits » aérodromes.	Justification		Traduction de courtoisie	The consultation of the aerodrome operator reinforces his/her role but it could be a problem of organisation for "small" aerodromes.
Référence: article 9, 2.	"Member States shall ensure that the competent authority and the aerodrome operators are consulted when such sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are proposed in the vicinity of the aerodrome."									
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Justification										
Traduction de courtoisie	The consultation of the aerodrome operator reinforces his/her role but it could be a problem of organisation for "small" aerodromes.									

response	<i>Partially accepted</i>
	Requirements for dealing with sources of lights in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment	3042	comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i>
		<p>It should be considered that within the Member States' administrative organization the task of safeguarding the safe operation of aerodromes might be allocated not only to one (civil aviation) authority but can also be a responsibility of several other specialised administrative entities, such as local (municipal) public order offices or even the police. Moreover, aerodrome operators – at least in Germany – have no legal power to monitor or oversee the surroundings and safety-endangering activities beyond the aerodrome boundaries. Hence, Art. 9 of the Cover Regulation should respect already established administrative oversight systems concerning these safety hazards. The draft version should only define the objective to be achieved, i.e. an effective oversight/monitoring system ensured by the Member States. Meanwhile, the current wording of Art. 9</p>

comment	<p>1247 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • Draft Commission Regulation – Article 10 – Land use planning (p14) <p><u>2. Justification and Proposed text / comment</u></p> <p>European rules are using the word “surroundings” instead of “vicinity”. (See Reg 216-2008 – Chapter 1 article 1 & article 8A and Annex Va, C.2 (e)).</p> <p>Consequently, it is proposed to modify this article as follows:</p> <p>“Article 10 Land Use Planning <i>Member States shall ensure that the competent authority and the aerodrome operators are consulted when developments, activities, or changes in the land use in the vicinity surroundings of an aerodrome are proposed”</i></p>
response	Accepted
comment	<p>1508 comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i></p> <p>Replace “vicinity” with “surrounding” as the wording has to be consistent with BR and ICAO in order to avoid any misinterpretation.</p>
response	Accepted
comment	<p>1576 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #136</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) CR Art.10</p> <p>Référence: article 10 “Member States shall ensure that the competent authority and the aerodrome operators are consulted when developments, activities, or changes in the land use in the vicinity of an aerodrome are proposed.”</p> <p>Traduction de courtoisie The consultation of the aerodrome operator reinforces his/her role but it should be taken into account that it could be a problem of organisation for “small” aerodromes.</p>
response	<p>Noted</p> <p>Requirements for dealing with land use planning in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>1949 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>The consultation of the aerodrome operator reinforces his/her role but it</p>

	should be taken into account that it could be a problem of organisation for "small" aerodromes.
response	<p><i>Noted</i></p> <p>Requirements for dealing with land use planning in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>2003 comment by: <i>ATB Aéroport Toulouse-Blagnac - TLS/LFBO</i></p>
	<div style="border: 1px solid black; padding: 5px;"> <p>La consultation de l'exploitant d'aérodrome pour les opérations visées permet un renforcement du rôle de l'aéroport mais elle peut poser un problème organisationnel pour les « petits » aérodromes.</p> </div> <p>The consultation of the aerodrome operator reinforces his/her role but it should be taken into account that it could be a problem of organisation for "small" aerodromes.</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with land use planning in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.</p>
comment	<p>2097 comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i></p>
	<p>Replace "vicinity" with "surrounding" as the wording has to be consistent with BR and ICAO in order to avoid any misinterpretation.</p>
response	<p><i>Accepted</i></p>
comment	<p>2218 comment by: <i>ADP : Aeroports de Paris</i></p>
	<p>Référence: article 9, 2.</p> <p>"Member States shall ensure that the competent authority and the aerodrome operators are consulted when such sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are proposed in the vicinity of the aerodrome."</p> <p>Proposition/commentaire ADP (Aéroports de Paris) considère que le paragraphe 2 de l'article 9 devrait être modifié comme suit : "Member States shall ensure that the competent authority and, if deemed necessary by it, the aerodrome operators are consulted..."</p> <p>Justification Voir le 3ieme commentaire général ref n° 2867</p> <p>En matière de prévention des risques causés par les sources lumineuses en dehors de l'aéroport, chaque Etat doit pouvoir déterminer le cadre institutionnel et juridique approprié pour atteindre l'objectif de sécurité</p>

aérienne. Une plus grande flexibilité est nécessaire pour prendre en compte les missions des autorités publiques et les règles nationales en matière d'urbanisme and éviter un accroissement des charges administratives pouvant générer des difficultés pour un grand nombre d'exploitants d'aérodrome.

Traduction de courtoisie

Paragraph 2 of Article 9 should be amended as followed : "Member States shall ensure that the competent authority and, if deemed necessary by it, the aerodrome operators are consulted..."

See 3rd general comment ref n° 2867

Concerning the prevention of hazards related to sources of lights in the surroundings of the aerodrome, each Member State should be allowed to set up the proper institutional and legal framework to achieve the aviation safety objective. A greater flexibility is needed to take into account the responsibilities of public authorities and national laws on land use and avoid additional administrative burden and cost which would be detrimental for a lot of airport operators. Référence: article 10

"Member States shall ensure that the competent authority and the aerodrome operators are consulted when developments, activities, or changes in the land use in the vicinity of an aerodrome are proposed."

Proposition/commentaire

ADP (Aéroports de Paris) considère l'article 10 devrait être modifié comme suit : "Member States shall ensure that the competent authority and, if deemed necessary by it, the aerodrome operators are consulted..."

Justification

Voir le 3ieme commentaire général ref n° 2867

En matière d'urbanisme de l'aéroport, chaque Etat doit pouvoir déterminer le cadre institutionnel et juridique approprié pour atteindre l'objectif de sécurité aérienne. Une plus grande flexibilité est nécessaire pour prendre en compte les missions des autorités publiques et les règles nationales existantes en matière d'urbanisme and éviter un accroissement des charges administratives pouvant générer des difficultés pour un grand nombre d'exploitants d'aérodrome.

Traduction de courtoisie

Article 10 should be amended as followed : "Member States shall ensure that the competent authority and, if deemed necessary by it, the aerodrome operators are consulted..."

See 3rd general comment n° 2867

Concerning land use planning, each Member State should be allowed to set up the proper institutional and legal framework to achieve the aviation safety objective. A greater flexibility is needed to take into account the responsibilities of public authorities and existing national laws on land use and avoid additional administrative burden and cost which would be detrimental for a lot of airport operators.

response *Partially accepted*

Requirements for dealing with land use planning in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment 2253 comment by: Pau Pyrénées Airport - PUF/LFBP

The consultation of the aerodrome operator reinforces his/her role but it should be taken into account that **it will be for sure** a problem of organisation for "small" aerodromes.

response *Noted*

Requirements for dealing with land use planning in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment 2275 comment by: ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD

Attachment [#137](#)

ADBM - NPA 2011-20 (B.I) CR Art.10

Référence: article 10
 "Member States shall ensure that the competent authority and the aerodrome operators are consulted when developments, activities, or changes in the land use in the vicinity of an aerodrome are proposed."

Traduction de courtoisie
 The consultation of the aerodrome operator reinforces his/her role but it should be taken into account that it could be a problem of organisation for "small" aerodromes.

response *Noted*

Requirements for dealing with land use planning in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment 2284 comment by: Aéroport Nantes Atlantique - NTE/LFRS

Attachment [#138](#)

UAF NPA 2011-20 (B.I) CR Art.10

Référence: article 10
 "Member States shall ensure that the competent authority and the aerodrome operators are consulted when developments, activities, or changes in the land use in the vicinity of an aerodrome are proposed."

Traduction de courtoisie
 The consultation of the aerodrome operator reinforces his/her role but it should be taken into account that it could be a problem of organisation for "small" aerodromes.

response *Noted*

Requirements for dealing with land use planning in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment 2593 comment by: *Infratil Airports Europe Ltd*

Page No: 14
Paragraph No: Article 10

Comment: The focus of this requirement should be realigned with the Aerodrome Operator.

Justification: It is not the role of the Competent Authority to be directly consulted with, this is a role for the Aerodrome Operator. The role of the Competent Authority is to set the rules to ensure that Aerodrome Operators are consulted with regard applications within given limits. UK Aerodromes have been carrying out this function without input from the Authority for many years successfully and safely. The Authority would be requested to intervene in the case of a dispute where air safety was seen to be at risk. Inclusion of the Authority in consultation would be an unnecessary additional layer in the process and would most likely result in a financial charge to the Aerodrome Operators.

Proposed Text: Member States shall ensure that the competent authority and the aerodrome operators are consulted when developments, activities, or changes in the land use in the vicinity of an aerodrome are proposed.

response *Partially accepted*

Requirements for dealing with land use planning in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment 2654 comment by: *HIA - Highlands and Islands Airports Limited*

Fully support this article.

Member States shall ensure that appropriate safeguarding, planning, consultation and enforcement measures are implemented with regard to proposed constructions within the limits of the obstacle limitation and protection surfaces, and other areas established by the competent authority in accordance with this regulation in particular navigation aids such as radar installations.

response *Noted*

comment 2972 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: article 10

"Member States shall ensure that the competent authority and the aerodrome operators are consulted when developments, activities, or changes in the land use in the vicinity of an aerodrome are proposed."

Proposition/commentaire	La consultation de l'exploitant d'aérodrome pour les opérations visées permet un renforcement du rôle de l'aéroport mais elle peut poser un problème organisationnel pour les « petits » aérodromes.
Justification	
Traduction de courtoisie	The consultation of the aerodrome operator reinforces his/her role but it should be taken into account that it could be a problem of organisation for "small" aerodromes.

response

Noted

Requirements for dealing with land use planning in aerodrome surroundings will be addressed to Member state who will have to ensure appropriate consultation.

comment

3044

comment by: *BMVBS - Federal Ministry of Transport, Building and Urban Development*

Replace "**vicinity**" with "**surrounding**" as the wording has to be consistent with BR and ICAO in order to avoid any misinterpretation.

response

Accepted

comment

3105

comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*

replace "vicinity" with "surrounding"

response

Accepted

comment

3454

comment by: *Fraport AG*

Article 10 – Land use planning

Question

... or changes in the land use in the **vicinity** of an aerodrome are proposed.

Vicinity is not defined in its expansion.

Fraport

AG:

if "infinity" is not defined for each item it will be used, it will follow into very different interpretations within Europe and to competitive distortion.

response

Noted

The term "vicinity" will be replaced by term "surroundings" to be in line with the Basic Regulation terminology.

Draft Commission Regulation - Article 11 - Entry into force

p. 15

comment	<p>155 comment by: CAA-NL</p> <p>We suggest to delete part 2 about apron management services.</p> <p>There should be a transition period for the Member States and competent authority to be able to adjust legislation and the management system.</p>
response	<p><i>Partially accepted</i></p> <p>The suggestion to delete the lines on Apron Management Services is for many reasons not appropriate as the rules for the provision of such services have to be provided by EASA. The relevant rulemaking group has started its work.</p> <p>EASA will propose under Article 1 of the draft regulation that the member states' designated Competent Authorities get the same 48 months to comply with the AR rules. This would mean that they can manage their internal adjustments and their certification/conversion work within the same 48 months.</p>
comment	<p>909 comment by: DGAC Direction Générale de l'aviation civile</p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • Draft Commission Regulation – Cover regulation - Article 11 – Entry into force (p15) <p><u>2. Justification and proposed text / comment</u></p> <p>The competent authorities will need time following the entry into force of this regulation to update their regulations and procedures to comply with the regulation. It's essential to provide enough time. DGAC proposed 24 months considering there will be laws to be created and considering that the time of validity of the aerodrome certificate given in article 6 of the cover regulation is 48 months.</p> <p>Example: to apply article 9 on sources of lights, France will have to enforce a law to make possible the application of such specification because it is strongly linked to the land use planning regulation. Another law is to be changed (on AMC1-ADR.AR.C.055 on Financial penalties). DGAC considers essential the introduction of an "opt out" for the competent authorities. It is proposed to introduce it in article 11 of the regulation:</p> <p>Article 11 – Entry into force</p> <p>"1. This Regulation shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.</p> <p>2. Articles ADR.AR.C.050 and ADR.OR.B.060 contained in Annex I and II to this Regulation, as well as Appendix II to Annex II, shall come into force when the Implementing Rules regarding the provision of apron management services shall be in effect. Articles ADR.AR.A.015 and ADR.OR.A.015 shall not apply for providers of apron management services until the Implementing Rules regarding the provision of apron management services shall be in effect.</p> <p>3. Member States' competent authorities may elect to update their</p>

administrative procedures to comply with this Regulation within a maximum period of 24 months from the date of applicability of this Regulation.

~~3-~~ *4. This Regulation shall be binding in its entirety and directly applicable in all Member States. "*

response *Accepted*

EASA will propose under Article 1 of the draft regulation that the member states' designated Competent Authorities get the same 48 months to comply with the AR rules. This would mean that they can manage their internal adjustments and their certification/conversion work within the same 48 months.

comment 948 comment by: *NATS National Air Traffic Services Limited*

2 comments

1. There are no proposed provisions for transition arrangements to allow service providers to demonstrate compliance.

2. Apron management services are excluded from certain articles until their IR comes into effect yet there are many other articles that apply to apron management services that would appear to comply from the date the regulation comes into force. Is this the intent?

response *Accepted*

1. EASA will propose under Article 1 of the draft regulation that the member states' designated Competent Authorities get the same 48 months to comply with the AR rules. This would mean that they can manage their internal adjustments and their certification/conversion work within the same 48 months.

2. Apron management Services may, if so wished by the Member States, declare their activities. All provisions of this aspect are postponed. The oversight over the provision of this service as such is however not postponed.

comment 3041 comment by: *CANSO Civil Air Navigation Services Organization*

Apron management services are excluded from certain articles until their IR come into effect yet there are many other articles that apply to apron management services that would appear to comply from the date the regulation comes into force. Is this the intent?

response *Noted*

Apron Management Services may, if so wished by the Member States, declare their activities. All provisions of this aspect are postponed. The oversight over the provision of this service as such is however not postponed.

comment	683 Attachment #139 See comment nrs: (B.I) 3386 - 3392	comment by: <i>ADV -German Airports Association</i>
response	<i>Noted</i> Noted. Comment is not clear. Look at responses to the respective comments you mention.	
comment	861 Attachment #140 see comments on ADR.AR · B.I 3393-3399	comment by: <i>MST / STR - Stuttgart Airport</i>
response	<i>Noted</i> Noted. Comment is not clear. Look at responses to the respective comments you mention.	
comment	1831 See Comments B.1 3415-3419 <u>General comments</u> <ul style="list-style-type: none">• ADV – German Airports Association supports additional comments made by German authorities regarding the Authority Requirements.• „Sufficient time for [...] the Member State administrations to adapt“ (Cover Regulation; Page 4; Reason (7)) is not taken into account in this document.	comment by: <i>ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen</i>
	<u>Comments regarding certain CS / AMC / GM</u>	
	CS/AMC/GM	Comment
	ADR.AR.C.025	This IR may provide flexibility in some ways.
	ADR.AR.C.025 (a)	Delete "prescribed" and replace by "shall notify accepted"
	ADR.AR.C.025 (a)	Add „limitations or procedures“ after „technical specifications“
	ADR.AR.C.025 (a) (3)	Add „comparable“ before „aerodromes“
		Justification
		There needs to be an input from the Airport
		To be consistent with (b)
		This assessment can only be done on aerodromes that have an equal setup regarding this CS / SC

ADR.AR.C.035 (g)	move (g) to ADR.AR.C.040 as "(a)" since this is the more appropriate place to put it.	
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response

Noted

Agreement with comments of the German federal authorities: Noted. Please see response to comment 3050.

Authority requirements: Noted

The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO annex 14. It also reflects what will become binding on states following the introduction of annex 19 into the ICAO list of annex.

Detail of the rules and administrative burden:

Partially agreed.

EASA will indeed scrutinise the rules for redundant and possibly burdensome detail and present its case in the opinion. However, as certain degree of complexity is inherent in the subject matter, please also see response to comment 327.

Response to 327:

Administrative burden:

Noted. EASA notes the concerns voiced over the administrative burden and will review the number of notifications to the Agency or from airports to the NAA. However, EASA is also pointing to the comparatively long conversion period and would like to point to the response given to comment 1831.

Detail:

Not agreed.

EASA's mandate for the development of measures in the BR is given under Art. 8a (5). This mandate was fulfilled in consideration of Art. 8a (6) where proportionality was one of the principle to be kept in mind under (b). Most importantly EASA was asked to take into account Annex 14 and best practice. While for the administrative rules for the certification process there was very little ICAO material other than Doc. 9774 on Aerodrome Certification and Doc. 9734 on Safety Oversight, as well as the forthcoming Annex 19.

Insufficient time: Not agreed.

The proposed period for the conversion of existing certificates to new European certificates of 48 months was developed by a task force under the so called High Level Group for airports in Spring 2011. It was made up of representatives of ACI and National Aviation Authorities (DGAC France, UK CAA and ENAC Italy) and the said period was suggested keeping in mind the administrative preparation for the conversion of airport certificates as well as the certification of airports that newly fall under the European scope. The participating NAA's have 87, 41 and 39 airports in the scope respectively. Additionally the usual transition periods for EU legislation to be implemented are much shorter (around 18 to 24 months). The Agency believes that with the proposed period the NAAs, even if it

concerns smaller regional entities as are found in Germany, have time to prepare themselves for their tasks. The conversion/certification process would have to be ended by 2017, assuming that the new regulation would come into force at the start of 2014.

comment 3047 comment by: *BMVBS - Federal Ministry of Transport, Building and Urban Development*

General comments:

The comments of the German authorities to the detailed provisions of the Annexes are mostly of a generic nature. Respective observations are valid for the whole of the NPA. Concerning the proposals for Aerodrome design, comments will be provided by the respective German Airport Associations/Airports.

It should be considered that within the Member States' administrative organization the task of safeguarding the safe operation of aerodromes might be allocated not only to one (civil aviation) authority but can also be a responsibility of several other specialised administrative entities, such as local (municipal) public order offices or even the police.

response *Noted*

Noted:

A representative of the German BMVWS worked with EASA in Rulemaking Group on OR and AR requirements. EASA was therefore always aware of the German administrative delegation of most of the oversight tasks in the airport sector. For this reason it is possible that the Member States designate more than one designated competent authority under Article 3 – Oversight capabilities. The German administrative arrangements are also kept in mind throughout the Annex AR, for example in ADR.AR.B.005 – Management System.

comment 3392 comment by: *ADV -German Airports Association*

„Sufficient time for [...] the Member State administrations to adapt" (Cover Regulation; Page 4; Reason (7)) is not taken into account in this document.

response *Not accepted*

Insufficient time:

Not agreed.

The proposed period for the conversion of existing certificates to new European certificates of 48 months was developed by a task force under the so called High Level Group for airports in Spring 2011. It was made up of representatives of ACI and National Aviation Authorities (DGAC France, UK CAA and ENAC Italy) and the said period was suggested keeping in mind the administrative preparation for the conversion of airport certificates as well as the certification of airports that newly fall under the European scope. The participating NAA's have 87, 41 and 39 airports in the scope respectively. Additionally the usual transition periods for EU legislation to be implemented are much shorter (around 18 to 24 months). The Agency believes that with the proposed period the NAAs, even if it concerns smaller regional entities as are found in Germany, have time to prepare themselves for their tasks. The conversion/certification process

would have to be ended by 2017, assuming that the new regulation would come into force at the start of 2014.

comment	3393	comment by: <i>MST / STR - Stuttgart Airport</i>
	Stuttgart Airport supports additional comments made by German authorities regarding the Authority Requirements.	
response	<i>Noted</i>	
	Noted. Please see response to comment 3050 by the German federal authority to ADR.AR.A.001 - Scope.	

comment	3394	comment by: <i>MST / STR - Stuttgart Airport</i>
	„Sufficient time for [...] the Member State administrations to adapt“ (Cover Regulation; Page 4; Reason (7)) is not taken into account in this document.	
response	<i>Not accepted</i>	
	Insufficient time: Not agreed. The proposed period for the conversion of existing certificates to new European certificates of 48 months was developed by a task force under the so called High Level Group for airports in Spring 2011. It was made up of representatives of ACI and National Aviation Authorities (DGAC France, UK CAA and ENAC Italy) and the said period was suggested keeping in mind the administrative preparation for the conversion of airport certificates as well as the certification of airports that newly fall under the European scope. The participating NAA's have 87, 41 and 39 airports in the scope respectively. Additionally the usual transition periods for EU legislation to be implemented are much shorter (around 18 to 24 months). The Agency believes that with the proposed period the NAAs, even if it concerns smaller regional entities as are found in Germany, have time to prepare themselves for their tasks. The conversion/certification process would have to be ended by 2017, assuming that the new regulation would come into force at the start of 2014.	

ANNEX I - Part-AR - ADR.AR.A.001 – Scope

p. 16

comment	327	comment by: <i>Danish Transport Authority</i>
	The detailed descriptions and requirements provided by this regulation will have a significant increase in the administrative workload for competent authorities and aerodrome operators. The Implementing Rules (IR) should be less detailed and more like a framework. Many AMCs and CS should be transferred into Guidance Material (GM). The principle in BR regarding rulemaking to be proportionate to the size, traffic, category and complexity of the aerodrome and nature and volume of operations thereon, thereby avoiding unnecessary bureaucratic and economic burdens in particular for relatively smaller aerodromes which only involve very limited passenger flow should be reflected throughout the regulation.	

	<p>The balance/terms between the EC regulations and ICAO's SARPS is unclear for the aerodrome operators. It is essential that ICAO's SARPS in Annex 14 will be transferred in its identical form to the EC regulation.</p>
response	<p><i>Noted</i></p> <p>Administrative burden: Noted. EASA notes the concerns voiced over the administrative burden and will review the number of notifications to the Agency or from airports to the NAA. However EASA is also pointing to the proposed comparatively long conversion period of 48 months and would like to point to the response given to comment 1831.</p> <p>Answer to Comment 1831: Insufficient time: Not agreed. The proposed period for the conversion of existing certificates to new European certificates of 48 months was developed by a task force under the so called High Level Group for airports in Spring 2011. It was made up of representatives of ACI and National Aviation Authorities (DGAC France, UK CAA and ENAC Italy) and the said period was suggested keeping in mind the administrative preparation for the conversion of airport certificates as well as the certification of airports that newly fall under the European scope. The participating NAA's have 87, 41 and 39 airports in the scope respectively. Additionally the usual transition periods for EU legislation to be implemented are much shorter (around 18 to 24 months). The Agency believes that with the proposed period the NAAs, even if it concerns smaller regional entities as are found in Germany, have time to prepare themselves for their tasks. The conversion/certification process would have to be ended by 2017, assuming that the new regulation would come into force at the start of 2014.</p> <p>Detail: Not agreed. EASA's mandate for the development of measures in the BR is given under Art. 8a (5). This mandate was fulfilled in consideration of Art. 8a (6) where proportionality was one of the principle to be kept in mind under (b). Most importantly EASA was asked to take into account Annex 14 and best practice. While for the administrative rules for the certification process there was very little ICAO material other than Doc. 9774 on Aerodrome Certification and Doc. 9734 on Safety Oversight, as well as the forthcoming Annex 19.</p>
comment	<p>703 comment by: <i>Munich Airport International</i></p> <p>Munich Airport International supports additional comments made by german authorities regarding the Authority Requirements.</p>
response	<p><i>Noted</i></p> <p>Authority requirements: Noted The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO Annex 14. It also reflects what will become binding on states following the introduction of Annex 19 into the ICAO list of annex.</p>

Detail of the rules and administrative burden:

Partially agreed.

EASA will indeed scrutinise the rules for redundant and possibly burdensome detail and present its case in the opinion. However, as certain degree of complexity is inherent in the subject matter, please also see response to comment 327.

Response to 327:

Administrative burden:

Noted. EASA notes the concerns voiced over the administrative burden and will review the number of notifications to the Agency or from airports to the NAA. However EASA is also pointing to the comparatively long conversion period and would like to point to the response given to comment 1831.

Detail:

Not agreed.

EASA's mandate for the development of measures in the BR is given under Art. 8a (5). This mandate was fulfilled in consideration of Art. 8a (6) where proportionality was one of the principle to be kept in mind under (b). Most importantly EASA was asked to take into account Annex 14 and best practice. While for the administrative rules for the certification process there was very little ICAO material other than Doc. 9774 on Aerodrome Certification and Doc. 9734 on Safety Oversight, as well as the forthcoming Annex 19.

Answer to Comment 1831:

Insufficient time:

Not agreed.

The proposed period for the conversion of existing certificates to new European certificates of 48 months was developed by a task force under the so called High Level Group for airports in Spring 2011. It was made up of representatives of ACI and National Aviation Authorities (DGAC France, UK CAA and ENAC Italy) and the said period was suggested keeping in mind the administrative preparation for the conversion of airport certificates as well as the certification of airports that newly fall under the European scope. The participating NAA's have 87, 41 and 39 airports in the scope respectively. Additionally the usual transition periods for EU legislation to be implemented are much shorter (around 18 to 24 months). The Agency believes that with the proposed period the NAAs, even if it concerns smaller regional entities as are found in Germany, have time to prepare themselves for their tasks. The conversion/certification process would have to be ended by 2017, assuming that the new regulation would come into force at the start of 2014.

comment

910

comment by: *Gatwick Airport Ltd*

response

Noted

comment

949

comment by: *NATS National Air Traffic Services Limited*

	Annex II and Annex III (of this regulation) are Part-OR and Part-OPS however the text refers to these Annexes as if being part of the Basic Regulation. Please clarify which Annexes are meant.
response	<p><i>Accepted</i></p> <p>Agreed. The text should refer to annexes and not parts. The annexes will be attached to the future Regulation.. Text was made clearer.</p>
comment	<p>950 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>This is a statement and not a requirement and is covered by the title of the Annex.</p>
response	<p><i>Noted</i></p> <p>Noted. It is normal to have a scope article at the start of an annex for legal certainty to repeat what the annex is about.</p>
comment	<p>2100 comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i></p> <p>Rules of Part-AR that refer to the authorities' management organization or to administrative procedures must be deleted, or be shifted to GM at least, as EASA/COM do not have any legal competence to create such detailed binding rules which would interfere with the Member States' sovereignty. EASA/COM are bound to the fundamental EC principles of subsidiarity and proportionality (Art. 5 EC Treaty). Furthermore, Art. 8a para 5 of the Basic Regulation (BR) does not contain any authorization to standardize the Member States authorities' internal management systems and administrative procedures. The Basic Regulation only authorizes EASA/COM to further establish substantive law provisions amending non-essential elements of the requirements set forth under Art. 8a BR. For example, EASA/COM may establish rules prescribing the conditions / prerequisites for the issuance of aerodrome certificates but they may not establish detailed binding procedural rules on how to handle the issuance process! Instead of deleting the draft organizational / procedural rules, EASA/COM may decide that those rules be shifted to GM at least in order to allow for the necessary flexibility for customized compliance as required by Art. 8a para 6 subpara (e) BR. In light of that option, any further comments made on the rules of subpart A may still be helpful and, therefore, shall not be regarded as to overrule, or to contradict, this general statement.</p> <p>In addition, the overall impression of the proposed framework is that of an unnecessarily detailed system which would put huge administrative burdens on Member States' authorities with only small-scale added value. Accordingly, we strongly advise to have another round of discussion with Member States and stakeholders before notifying EASA's opinion on the NPA to COM. A new framework setting rules for each and every aspect of aerodrome regulation, has to be created with utmost prudence, as airports form substantial elements of the international aviation system and</p>

important points of access for Member States and their regions.

As a general observation on a notification issue, we would also like to draw your attention to the fact that at some stages in the provisions Member States are being asked to notify other Member States and/or COM of certain issues. This seems to jeopardize the very idea of EASA being a single point of contact for safety issues. As it is the purpose of the BR to ensure a high and uniform level of safety within Europe and EASA has been set up to oversee this process, the task of informing COM and other Member States should be solely concentrated on the Agency.

response *Noted*

Authority requirements: Noted

The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO Annex 14. It also reflects what will become binding on states following the introduction of Annex 19 into the ICAO list of annex.

Detail of the rules and administrative burden:

Partially agreed.

EASA will indeed scrutinise the rules for redundant and possibly burdensome detail and present its case in the opinion. However, as certain degree of complexity is inherent in the subject matter, please also see response to comment 327.

Response to 327:

Administrative burden:

Noted. EASA notes the concerns voiced over the administrative burden and will review the number of notifications to the Agency or from airports to the NAA. However EASA is also pointing to the comparatively long conversion period and would like to point to the response given to comment 1831.

Detail:

Not agreed.

EASA's mandate for the development of measures in the BR is given under Art. 8a (5). This mandate was fulfilled in consideration of Art. 8a (6) where proportionality was one of the principle to be kept in mind under (b). Most importantly EASA was asked to take into account Annex 14 and best practice. While for the administrative rules for the certification process there was very little ICAO material other than Doc. 9774 on Aerodrome Certification and Doc. 9734 on Safety Oversight, as well as the forthcoming Annex 19.

Answer to Comment 1831:

Insufficient time:

Not agreed.

The proposed period for the conversion of existing certificates to new European certificates of 48 months was developed by a task force under the so called High Level Group for airports in Spring 2011. It was made up of representatives of ACI and National Aviation Authorities (DGAC France, UK CAA and ENAC Italy) and the said period was suggested keeping in mind the administrative preparation for the conversion of airport certificates as well as the certification of airports that newly fall under the

European scope. The participating NAA's have 87, 41 and 39 airports in the scope respectively. Additionally the usual transition periods for EU legislation to be implemented are much shorter (around 18 to 24 months). The Agency believes that with the proposed period the NAAs, even if it concerns smaller regional entities as are found in Germany, have time to prepare themselves for their tasks. The conversion/certification process would have to be ended by 2017, assuming that the new regulation would come into force at the start of 2014.

comment

2499

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.A.001 (p16)
- ANNEX I - Part-AR - ADR.AR.B.005 — Management system (p20)
- ANNEX I - Part-AR - ADR.AR.B.015 — Changes to the management system (p21)
- ANNEX I - Part-AR - ADR.AR.B.020 — Record-keeping (p22)
- ANNEX II - Part-OR - ADR.OR.B.040 — (p41)
- ANNEX II - Part-OR - ADR.OR.B.045 — Assessment of changes (p42)
- ANNEX II - Part-OR - ADR.OR.D.007 — Management of aeronautical data and aeronautical information (p50)
- ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51)
- ANNEX II - Part-OR - ADR.OR.D.025 — Coordination with other relevant organisations (p53)

The above rules are affected and should be revised, however, this list could not be considered exhaustive : related AMC and CS should be revised accordingly

2. Justification and proposed text / comment

This comment is linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)

Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections *in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*" Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States to have a "Management System", with additional requirements on personnel, notably functions to monitor compliance, which induces administrative burden and huge costs: this is the State competency.

It is asked to EASA to delete the notion of a management system for the State, and to limit its regulation to the obligation, for the State, to have

adequate procedures and resources to certify, and perform the oversight of aerodromes. It is to note that the Cover regulation only mentions **"safety" management system, even in the aerodrome manual (ADR.OR.E.010).**

The above rules are affected and should be revised, however, this list could not be considered exhaustive

response

Noted

Authority requirements: Noted

The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO Annex 14. It also reflects what will become binding on states following the introduction of Annex 19 into the ICAO list of annex.

Detail of the rules and administrative burden:

Partially agreed.

EASA will indeed scrutinise the rules for redundant and possibly burdensome detail and present its case in the opinion. However, as certain degree of complexity is inherent in the subject matter. Please also see response to comment 327.

Response to 327:

Administrative burden:

Noted. EASA notes the concerns voiced over the administrative burden and will review the number of notifications to the Agency or from airports to the NAA. However EASA is also pointing to the comparatively long conversion period and would like to point to the response given to comment 1831.

Detail:

Not agreed.

EASA's mandate for the development of measures in the BR is given under Art. 8a (5). This mandate was fulfilled in consideration of Art. 8a (6) where proportionality was one of the principle to be kept in mind under (b). Most importantly EASA was asked to take into account Annex 14 and best practice. While for the administrative rules for the certification process there was very little ICAO material other than Doc. 9774 on Aerodrome Certification and Doc. 9734 on Safety Oversight, as well as the forthcoming Annex 19.

Answer to Comment 1831:

Insufficient time:

Not agreed.

The proposed period for the conversion of existing certificates to new European certificates of 48 months was developed by a task force under the so called High Level Group for airports in Spring 2011. It was made up of representatives of ACI and National Aviation Authorities (DGAC France, UK CAA and ENAC Italy) and the said period was suggested keeping in mind the administrative preparation for the conversion of airport certificates as well as the certification of airports that newly fall under the European scope. The participating NAA's have 87, 41 and 39 airports in the scope respectively. Additionally the usual transition periods for EU legislation to be implemented are much shorter (around 18 to 24 months). The Agency believes that with the proposed period the NAAs, even if it

concerns smaller regional entities as are found in Germany, have time to prepare themselves for their tasks. The conversion/certification process would have to be ended by 2017, assuming that the new regulation would come into force at the start of 2014.

comment

3050

comment by: *BMVBS - Federal Ministry of Transport, Building and Urban Development*

Rules of Part-AR that refer to the authorities' management organization or to administrative procedures must be deleted, or be shifted to GM at least, as EASA/COM do not have any legal competence to create such detailed binding rules which would interfere with the Member States' sovereignty. EASA/COM are bound to the fundamental EC principles of subsidiarity and proportionality (Art. 5 EC Treaty). Furthermore, Art. 8a para 5 of the Basic Regulation (BR) does not contain any authorization to standardize the Member States authorities' internal management systems and administrative procedures. The Basic Regulation only authorizes EASA/COM to further establish substantive law provisions amending non-essential elements of the requirements set forth under Art. 8a BR. For example, EASA/COM may establish rules prescribing the conditions / prerequisites for the issuance of aerodrome certificates but they may not establish detailed binding procedural rules on how to handle the issuance process! Instead of deleting the draft organizational/procedural rules, EASA/COM may decide that those rules be shifted to GM at least in order to allow for the necessary flexibility for customized compliance as required by Art. 8a para 6 subpara (e) BR.

In addition, the overall impression of the proposed framework is that of an unnecessarily detailed system which would put huge administrative burdens on Member States' authorities with only small-scale added value. Accordingly, we strongly advise to have another round of discussion with Member States and stakeholders before notifying EASA's opinion on the NPA to CION. A new framework setting rules for each and every aspect of aerodrome regulation has to be created with utmost prudence, as airports form substantial elements of the international aviation system and important points of access for Member States and their regions.

As a general observation on a notification issue, we would also like to draw EASA's attention to the fact that at some stages in the provisions Member States are being asked to notify other Member States and/or COM of certain issues. This seems to jeopardize the very idea of EASA being a single point of contact for safety issues. As it is the purpose of the BR to ensure a high and uniform level of safety within Europe and EASA has been set up to oversee this process, the task of informing CION and other Member States should be solely concentrated on the Agency.

response

Noted

Authority requirements: Noted

The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO Annex 14. It also reflects what will become binding on states following the introduction of Annex 19 into the ICAO list of annex.

Detail of the rules and administrative burden:

Partially agreed.

EASA will indeed scrutinise the rules for redundant and possibly burdensome detail and present its case in the opinion. However, as certain degree of complexity is inherent in the subject matter, please also see response to comment 327.

Response to 327:

Administrative burden:

Noted, EASA notes the concerns voiced over the administrative burden and will review the number of notifications to the Agency or from airports to the NAA. However EASA is also pointing to the comparatively long conversion period and would like to point to the response given to comment 1831.

Detail:

Not agreed.

EASA's mandate for the development of measures in the BR is given under Art. 8a (5). This mandate was fulfilled in consideration of Art. 8a (6) where proportionality was one of the principle to be kept in mind under (b). Most importantly EASA was asked to take into account Annex 14 and best practice. While for the administrative rules for the certification process there was very little ICAO material other than Doc. 9774 on Aerodrome Certification and Doc. 9734 on Safety Oversight, as well as the forthcoming Annex 19.

Answer to Comment 1831:

Insufficient time:

Not agreed.

The proposed period for the conversion of existing certificates to new European certificates of 48 months was developed by a task force under the so called High Level Group for airports in Spring 2011. It was made up of representatives of ACI and National Aviation Authorities (DGAC France, UK CAA and ENAC Italy) and the said period was suggested keeping in mind the administrative preparation for the conversion of airport certificates as well as the certification of airports that newly fall under the European scope. The participating NAA's have 87, 41 and 39 airports in the scope respectively. Additionally the usual transition periods for EU legislation to be implemented are much shorter (around 18 to 24 months). The Agency believes that with the proposed period the NAAs, even if it concerns smaller regional entities as are found in Germany, have time to prepare themselves for their tasks. The conversion/certification process would have to be ended by 2017, assuming that the new regulation would come into force at the start of 2014.

ANNEX I - Part-AR - ADR.AR.A.005 — Competent authority

p. 16

comment

911

comment by: *Gatwick Airport Ltd*

response

Noted

comment	<p>951 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>This implies that where an aerodrome operator operates in more than one Member State they will have multiple certificates. Should there be an obligation on the Competent Authority issuing the certificates to cooperate such that the regulatory burden on the aerodrome operator is minimised?</p>
response	<p><i>Not accepted</i></p> <p>Not agreed: It is indeed so that in the area of aerodrome safety the idea of mutual recognition of certificates is excluded per Recital 8 of Regulation 1108/2009. No action is required in this IR because the legislator wanted that aerodrome operators have "local" certificates and excluded mutual recognition.</p>
comment	<p>952 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>This is not written as a positive requirement on the States/Authorities. It's a passive requirement since the wording actually places the requirement on the Aerodromes and their Operators to be overseen. As such this is actually worded as OR not AR. Suggest rewording the AR requirement to something like "States shall establish a Competent Authority to oversee Aerodromes and Aerodrome Operators in accordance with the requirements of Regulation 216/2008 and this Regulation".</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. The essential part of this requirement ask competent authorities to only certify and oversee those aerodromes that are located in their country.</p>
comment	<p>2429 ❖ comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • Draft Commission Regulation - Article 1 – Subject matter (p5-6) • Draft Commission Regulation - Article 3 – Oversight capabilities (p10-11) • ANNEX I - Part-AR - ADR.AR.A.005 – Competent Authority (p16) • ANNEX I - Part-AR - ADR.AR.A.010 – Safety Oversight Documentation (p16) <p><u>2. Justification and proposed text / comment</u></p> <p>This comment is critical, as the drafted rules are confusing on this subject. AESA competency is on safety only, this point should be clear in the drafted rules. DGAC France as a strong comment on the notion of "competent authority" as described in this NPA (see comments: n°1008 in Book I, n°789 in Book II and n° 591 in Book III). To solve this strong point, it is asked to add a clear reference to "safety" when talking about the oversight.</p> <p>Consequently, it is proposed to modify Articles 1 and 3 of the Cover</p>

Regulation, and ADR.AR.A.005 — Competent Authority as follows:

"Article 1

Subject matter

[...]

(h) certain conditions and procedures for the declaration by and for the safety oversight of service providers referred to in paragraph 2(e) of Article 8a of Regulation (EC) No 216/2008."

"Article 3

Oversight capabilities

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 safety oversight of aerodromes and aerodrome operators, and providers of apron management services, subject to Regulation (EC) No 216/2008.

The competent authority shall be independent of aerodrome operators and providers of apron management services. This independence shall be achieved through adequate separation, at functional level at least, between the competent authority and such organisations. Member States shall ensure that competent authorities exercise their powers impartially and transparently.

2. If a Member State designates more than one entity as competent authority:

(a) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation; and

(b) coordination shall be established between those entities to ensure effective safety oversight of all aerodromes and aerodrome operators, as well as providers of apron management services, subject to Regulation (EC) No 216/2008.

3. Member States shall ensure that the competent authority(ies) has(ve) the necessary capability to ensure the safety oversight of all aerodromes, aerodrome operators, and providers of apron management services subject to their safety oversight programme, including sufficient resources to fulfil the requirements of this Regulation.

4. Member States shall ensure that competent authority personnel do not perform safety oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest

5. Personnel authorised by the competent authority to carry out certification and/or safety oversight tasks shall be empowered to perform at least the following tasks:

(a) examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;

(b) take copies of or extracts from such records, data, procedures and other material;

(c) ask for an oral explanation on site;

(d) enter aerodromes, relevant premises, operating sites or other areas and means of transport;

(e) perform audits, investigations, tests, exercises, assessments, inspections; and

(f) take enforcement measures as appropriate.

6. The tasks under paragraph 5 shall be carried out in compliance with the legal provisions of the relevant Member State."

ADR.AR.A.005 — Competent authority

Aerodromes and aerodrome operators shall be certified and overseen on safety-related matters by the designated competent authority of the Member State in which the aerodrome is located.

ADR.AR.A.010 – Safety Oversight documentation

The competent authority shall make available legislative acts, standards, rules, technical publications and related documents to:

response *Not accepted*

Not agreed.

The EASA Basic regulation is about the safety of civil aviation and thus the associated implementing rules are therefore only about civil aviation safety. This is restated in recitals 1, 2 and 5 of the draft regulation so that it does not have to be repeated in ever article.

It is therefore made clear enough that the implementing rules in the annexes are about safety of aerodromes and that only safety oversight is meant.

(1) Regulation (EC) No 216/2008 aims at establishing and maintaining a high uniform level of civil aviation safety in Europe. That Regulation provides for the means of achieving that objective and other objectives in the field of civil aviation safety.

(2) The implementation of Regulation (EC) No 216/2008 requires the establishment of more detailed Implementing Rules, in particular concerning the safety regulation of aerodromes, in order to maintain a high uniform level of civil aviation safety in Europe while pursuing the objective of an overall improvement in aerodrome safety.

(5) Regulation (EC) No 216/2008 requires the European Commission to adopt the necessary Implementing Rules for establishing the conditions for the design and safe operation of aerodromes referred to in Article 8a(5) before 31 December 2013. This Regulation provides for those Implementing Rules.

comment 3046 comment by: *CANSO Civil Air Navigation Services Organization*

CANSO has 2 comments here:

- This implies that where an aerodrome operator operates in more than one Member State they will have multiple certificates. Should there be an obligation on the CA issuing the certificates to co-operate such that the regulatory burden on the aerodrome operator is minimised?
- This is not written as a positive requirement on the States/Authorities. It's a passive requirement since the wording actually places the requirement on the Aerodromes and their Operators to be overseen. As such this is actually worded as OR not AR. The AR requirement should be something like "States shall establish a Competent Authority to oversee Aerodromes and Aerodrome Operators in accordance with the requirements of Regulation 216/2008 and this Regulation".

response *Noted*

See response to comment 951.

Mutual recognition:

Not agreed:

It is indeed so that in the area of aerodrome safety the idea of mutual recognition of certificates is excluded per Recital 8 of Regulation 1108/2009. No action is required in this IR because the legislator wanted that aerodrome operators have "local" certificates and excluded mutual recognition.

See response to comment 952

No requirement:

Not agreed.

The essential part of this requirement ask competent authorities to only certify and oversee those aerodromes that are located in their country.

ANNEX I - Part AR - ADR.AR.A.010 – Oversight documentation REV

p. 16

comment	<p>156 comment by: CAA-NL</p> <p>We suggest to delete (b). The competent authority is not responsible to make relevant documents available to aerodrome operators and other interested parties. The aerodrome operator should have the relevant documents themselves and we are willing to provide them to others on request.</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. The need to make available "guidance" available to regulated organisations is going to be a standard in the upcoming Annex 19 of ICAO under the standards relating to the Critical Element 1 (Primary aviation legislation) and 5 (Technical guidance, tools and provision of safety-critical information).</p>
comment	<p>432 comment by: MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</p> <p>What does the wording "shall make available legislative acts, etc." really mean?</p> <p>Some relevant documents, e.g. ICAO Manuals, are under copyright / distribution agreement concerning third parties which the CAA has to obey.</p> <p>Therefore, the wording should be amended in a way that authorities only need to „provide, as far as legally possible, accessibility to legislative acts, (...) technical publications and related documents (e.g. via internet) to (...)“.</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. EASA has provided GM on this matter as follows: (see the underlined) GM1-ADR.AR.A.010 – Oversight documentation AVAILABILITY OF DOCUMENTATION TO THIRD PARTIES The legislative acts, standards, rules, technical publications and similar</p>

documents can be made available, in a timely manner, to the aerodrome operators and any other interested party in various ways and formats, such as via its website, the government's official gazette, or any other similar means.

The way for making such material available, including possible application of fees, is for the competent authority to decide.

Making such documentation available is without prejudice to the application of rules regarding protection of intellectual property rights, or similar applicable legislation.

comment	<p>783 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>Es ist grundsätzliche Aufgabe des jeweiligen Mitgliedsstaates, den Luftfahrtbehörden, den Flugplatzbetreibern sowie weiteren Beteiligten Gesetzestexte, Verordnungstexte, technische Publikationen etc. zur Verfügung zu stellen. Ersetzte "zuständige Luftfahrtbehörde" durch "Mitgliedsstaat" in ADR.AR.A.010.</p> <p><i>It is a fundamental task of the respective member state, to make available legislative acts, standards, rules, technical publications and related documents to the competent authorities, the aerodrome operators and other interested parties. Change "competent authority" in "member states" in ADR.AR.A.010.</i></p>
response	<p><i>Partially accepted</i></p> <p>Partially agreed. The need to make available "guidance" available to regulated organisations is going to be a standard in the upcoming Annex 19 of ICAO under the standards relating to the Critical Element 1 (Primary aviation legislation) and 5 (Technical guidance, tools and provision of safety-critical information). This annex is indeed addressed to the ICAO contracting states, however inside the EASA region it is decided that the point of contact for the regulated organisations is the relevant competent authority that is designated for their oversight. It is up to the Member States to now arrange how the provision of publications and guidance can be done practically and financially. There is no text change required.</p>
comment	<p>912 comment by: <i>Gatwick Airport Ltd</i></p>
response	<p><i>Noted</i></p>
comment	<p>1488 comment by: <i>Aberdeen Airport Airside Operations</i></p> <p>(a) (1) Reword to "adequate safety facilities and safety equipment" - No need for such a broad application - should be focused on safety.</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. The EASA Basic regulation is about the safety of civil aviation and thus the associated implementing rules are therefore only about civil aviation</p>

safety. This is restated in recitals 1, 2 and 5 of the draft regulation so that it does not have to be repeated in every article.

It is therefore made clear enough that this provision assesses adequate safety facilities and safety equipment and not non-safety related facilities and equipment.

(1) Regulation (EC) No 216/2008 aims at establishing and maintaining a high uniform level of civil aviation safety in Europe. That Regulation provides for the means of achieving that objective and other objectives in the field of civil aviation safety.

(2) The implementation of Regulation (EC) No 216/2008 requires the establishment of more detailed Implementing Rules, in particular concerning the safety regulation of aerodromes, in order to maintain a high uniform level of civil aviation safety in Europe while pursuing the objective of an overall improvement in aerodrome safety.

(5) Regulation (EC) No 216/2008 requires the European Commission to adopt the necessary Implementing Rules for establishing the conditions for the design and safe operation of aerodromes referred to in Article 8a(5) before 31 December 2013. This Regulation provides for those Implementing Rules.

comment

1670

comment by: ECA - European Cockpit Association

Change (b) as follows:

(b) the aerodrome operators, **local pilots' associations** and other interested parties to facilitate their compliance with the applicable requirements.

Justification:

In order to enable consistent interpretation and application of safety requirements local pilots' associations should be provided with all relevant documentation if required. Pilots' associations should, like aerodrome operators, be explicitly mentioned to ensure the access to necessary information in all NAAs of Member States.

response

Not accepted

Not agreed.

A local pilots association can be considered an interested party and as such the legislative material shall be made available to these also. For more guidance please see response to comment 2102.

Response to 2102

Not agreed.

EASA has provided GM on this matter as follows:

(see the underlined)

GM1-ADR.AR.A.010 – Oversight documentation

AVAILABILITY OF DOCUMENTATION TO THIRD PARTIES

The legislative acts, standards, rules, technical publications and similar documents can be made available, in a timely manner, to the aerodrome operators and any other interested party in various ways and formats, such as via its website, the government's official gazette, or any other similar means.

The way for making such material available, including possible application of fees, is for the competent authority to decide.

Making such documentation available is without prejudice to the

application of rules regarding protection of intellectual property rights, or similar applicable legislation.

comment

1746

comment by: UK CAA

Page No: 16**Paragraph No:** ADR.AR.A.010

Comment: The requirements differ from the equivalent requirements in IRs already agreed for Aircrew and Operations, namely ARA.GEN.115 and ARO.GEN.115, in that the phrase "shall make available" is used instead of "shall provide" and an additional requirement is added to make the documentation available to stakeholders. These differences should be justified or resolved.

Justification: The UK CAA considers that identical provisions should be used in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified. Moreover, the existence of a requirement in one area and not in another suggests a difference of intent. In this case, the phrase "make available" seems to be used because of the additional requirement which reflects the ICAO audit question "Are the primary aviation legislation and the associated operating regulations and rules available to all users". In this respect "make available" is the better term. However, the UK CAA wonders why it is thought necessary to include this requirement here and not in the earlier IRs and whether the implication, legally, is that such documentation need or should not be made available to licensing and operation stakeholders.

Proposed Text: Align with ARA.GEN.115 and ARO.GEN.115.

response

Partially accepted

Partially agreed.

In fact it is the other way round. The ADR.AR.A.010 uses "shall make available" while the regulation 290/2012 uses under ARA.GEN.115 "shall provide".

EASA broke down the article into two distinct requirements, one that talks about what needs to be provided to the authority personnel and one that speak about what shall be made available to the regulated organisations interested parties. It is clear that staff has to have the rules, while interested parties should be able to obtain them when they so wish.

comment

2102

comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

What does the wording: "*shall make available legislative acts, etc.*" really mean? Authorities will normally not have enough financial resources to provide all applicants with relevant hard copy documents. The distribution of some documents may, in addition, be restricted due to copyright/distribution agreements (e.g. ICAO documents). Therefore, the wording should be amended in a way that authorities only need to *„provide, as far as legally possible, accessibility to legislative acts, (...) technical publications and related documents (e.g. via internet) to (...)*".

response *Not accepted*

Not agreed.
EASA has provided GM on this matter as follows:
(see the underlined)

GM1-ADR.AR.A.010 – Oversight documentation
AVAILABILITY OF DOCUMENTATION TO THIRD PARTIES
The legislative acts, standards, rules, technical publications and similar documents can be made available, in a timely manner, to the aerodrome operators and any other interested party in various ways and formats, such as via its website, the government’s official gazette, or any other similar means.
The way for making such material available, including possible application of fees, is for the competent authority to decide.
Making such documentation available is without prejudice to the application of rules regarding protection of intellectual property rights, or similar applicable legislation.

comment 2251 comment by: *Luftfahrtbehörde Schleswig-Holstein*

Some relevant documents underly copyright regulations and / or are subject to a charge. The competent authority therefore can only make documents available to interested parties if it is legal and the documents are free of charge.

response *Not accepted*

Not agreed.
See comment 432.
EASA has provided GM on this matter as follows:
(see the underlined)

GM1-ADR.AR.A.010 – Oversight documentation
AVAILABILITY OF DOCUMENTATION TO THIRD PARTIES
The legislative acts, standards, rules, technical publications and similar documents can be made available, in a timely manner, to the aerodrome operators and any other interested party in various ways and formats, such as via its website, the government’s official gazette, or any other similar means.
The way for making such material available, including possible application of fees, is for the competent authority to decide.
Making such documentation available is without prejudice to the application of rules regarding protection of intellectual property rights, or similar applicable legislation.

comment 2429 ❖ comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- Draft Commission Regulation - Article 1 – Subject matter (p5-6)
- Draft Commission Regulation - Article 3 – Oversight capabilities (p10-11)
- ANNEX I - Part-AR - ADR.AR.A.005 — Competent Authority (p16)
- ANNEX I - Part-AR - ADR.AR.A.010 — **Safety** Oversight

Documentation (p16)

2. Justification and proposed text / comment

This comment is **critical**, as the drafted rules are confusing on this subject.

AESA competency is on safety only, this point should be clear in the drafted rules.

DGAC France as a strong comment on the notion of "competent authority" as described in this NPA (see comments: n°1008 in Book I, n°789 in Book II and n° 591 in Book III). To solve this strong point, it is asked to add a clear reference to "safety" when talking about the oversight.

Consequently, it is proposed to modify Articles 1 and 3 of the Cover Regulation, and ADR.AR.A.005 – Competent Authority as follows:

"Article 1

Subject matter

[...]

*(h) certain conditions and procedures for the declaration by and for the **safety** oversight of service providers referred to in paragraph 2(e) of Article 8a of Regulation (EC) No 216/2008."*

"Article 3

Oversight capabilities

*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 **safety** oversight of aerodromes and aerodrome operators, and providers of apron management services, subject to Regulation (EC) No 216/2008.*

The competent authority shall be independent of aerodrome operators and providers of apron management services. This independence shall be achieved through adequate separation, at functional level at least, between the competent authority and such organisations. Member States shall ensure that competent authorities exercise their powers impartially and transparently.

2. If a Member State designates more than one entity as competent authority:

(a) the areas of competence of each competent authority shall be clearly defined in terms of responsibilities and geographic limitation; and

*(b) coordination shall be established between those entities to ensure effective **safety** oversight of all aerodromes and aerodrome operators, as well as providers of apron management services, subject to Regulation (EC) No 216/2008.*

*3. Member States shall ensure that the competent authority(ies) has(ve) the necessary capability to ensure the **safety** oversight of all aerodromes, aerodrome operators, and providers of apron management services subject to their **safety** oversight programme, including sufficient resources to fulfil the requirements of this Regulation.*

*4. Member States shall ensure that competent authority personnel do not perform **safety** oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest*

*5. Personnel authorised by the competent authority to carry out certification and/or **safety** oversight tasks shall be empowered to perform at least the following tasks:*

(a) examine the records, data, procedures and any other material relevant

to the execution of the certification and/or oversight task;
 (b) take copies of or extracts from such records, data, procedures and other material;
 (c) ask for an oral explanation on site;
 (d) enter aerodromes, relevant premises, operating sites or other areas and means of transport;
 (e) perform audits, investigations, tests, exercises, assessments, inspections; and
 (f) take enforcement measures as appropriate.
 6. The tasks under paragraph 5 shall be carried out in compliance with the legal provisions of the relevant Member State.”

ADR.AR.A.005 – Competent authority

Aerodromes and aerodrome operators shall be certified and overseen on safety-related matters by the designated competent authority of the Member State in which the aerodrome is located.

ADR.AR.A.010 – Safety Oversight documentation

The competent authority shall make available legislative acts, standards, rules, technical publications and related documents to:

response *Not accepted*

Not agreed.

The EASA Basic regulation is about the safety of civil aviation and thus the associated implementing rules are therefore only about civil aviation safety. This is restated in recitals 1, 2 and 5 of the draft covers regulation and there onwards does not have to be repeated in every article. It is therefore made clear enough that the implementing rules in the annexes are about safety of aerodromes and that only safety oversight is meant.

(1) Regulation (EC) No 216/2008 aims at establishing and maintaining a high uniform level of civil aviation safety in Europe. That Regulation provides for the means of achieving that objective and other objectives in the field of civil aviation safety.

(2) The implementation of Regulation (EC) No 216/2008 requires the establishment of more detailed Implementing Rules, in particular concerning the safety regulation of aerodromes, in order to maintain a high uniform level of civil aviation safety in Europe while pursuing the objective of an overall improvement in aerodrome safety.

(5) Regulation (EC) No 216/2008 requires the European Commission to adopt the necessary Implementing Rules for establishing the conditions for the design and safe operation of aerodromes referred to in Article 8a(5) before 31 December 2013. This Regulation provides for those Implementing Rules.

comment 2843 comment by: *Norwich International Airport*

ADR.AR.B.010 (a) (1) (ii)

Reword to “adequate safety facilities and safety equipment”.

There is no need for such broad application. It should be focussed on safety.

response *Not accepted*

Not agreed.

The EASA Basic regulation is about the safety of civil aviation and thus the associated implementing rules are therefore only about civil aviation safety. This is restated in recitals 1, 2 and 5 of the draft regulation so that it does not have to be repeated in every article.

It is therefore made clear enough that this provision assesses adequate safety facilities and safety equipment and not non-safety related facilities and equipment.

(1) Regulation (EC) No 216/2008 aims at establishing and maintaining a high uniform level of civil aviation safety in Europe. That Regulation provides for the means of achieving that objective and other objectives in the field of civil aviation safety.

(2) The implementation of Regulation (EC) No 216/2008 requires the establishment of more detailed Implementing Rules, in particular concerning the safety regulation of aerodromes, in order to maintain a high uniform level of civil aviation safety in Europe while pursuing the objective of an overall improvement in aerodrome safety.

Regulation (EC) No 216/2008 requires the European Commission to adopt the necessary Implementing Rules for establishing the conditions for the design and safe operation of aerodromes referred to in Article 8a(5) before 31 December 2013. This Regulation provides for those Implementing Rules.

comment

3053

comment by: *BMVBS - Federal Ministry of Transport, Building and Urban Development*

It is unclear, what the wording: "*shall make available legislative acts, etc.*" means. Authorities will normally not have enough financial resources to provide all applicants with relevant hard copy documents. The distribution of some documents may, in addition, be restricted due to copyright/distribution agreements (e.g. ICAO documents). Therefore, the wording should be amended in a way that authorities only need to *„provide, as far as legally possible, accessibility to legislative acts, (...) technical publications and related documents (e.g. via internet) to (...)”*.

response

Not accepted

Not agreed.

EASA has provided GM on this matter as follows:

(see the underlined)

GM1-ADR.AR.A.010 – Oversight documentation

AVAILABILITY OF DOCUMENTATION TO THIRD PARTIES

The legislative acts, standards, rules, technical publications and similar documents can be made available, in a timely manner, to the aerodrome operators and any other interested party in various ways and formats, such as via its website, the government's official gazette, or any other similar means.

The way for making such material available, including possible application of fees, it is for the competent authority to decide.

Making such documentation available is without prejudice to the application of rules regarding protection of intellectual property rights, or similar applicable legislation.

comment	<p>14 comment by: <i>Finnish Transport Safety Agency</i></p> <p>(d)(3) EASA informs other Member States about alternative means of compliance that were accepted in some Member State</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. Note that the AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.</p> <p>In any case EASA has included an AMC on (d) (3) to help this information process among Member States.</p> <p>AMC1-ADR.AR.015 (d)(3) Means of compliance GENERAL The information to be provided to other Member States following approval of an alternative means of compliance should contain a reference to the Acceptable Means of Compliance (AMC) to which such means of compliance provides an alternative, as well as a reference to the corresponding Implementing Rule, indicating as applicable the subparagraph(s) covered by the alternative means of compliance.</p>
comment	<p>102 comment by: <i>Flughafen Düsseldorf GmbH</i></p> <p>ADR.AR.A.015 – Means of compliance <i>REV</i></p> <p>(a) The Agency shall develop Acceptable Means of Compliance (AMC) that may be used to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules. When the Acceptable Means of Compliance are complied with, the related requirements of the Implementing Rules are met.</p> <p>(b) Alternative means of compliance may be used to establish compliance with the Implementing Rules.</p> <p>(c) The competent authority <u>shall establish a system [g1]</u> to consistently evaluate that the alternative means of compliance used by itself or by aerodrome operators or providers of apron management services under its oversight provide for compliance with Regulation (EC) No 216/2008 and its Implementing Rules.</p> <hr/> <p>[g1]Konkretisierung, zumindest Rahmenbedingungen wären wünschenswert.</p>
response	<p><i>Noted</i></p> <p>Noted. The organisation of such an evaluation system is up to the Member States.</p> <p>Furthermore please note that the AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is</p>

however reviewing the notification process of alternative means of compliance between Member States and the Agency.

comment 146 comment by: *Icelandic Civil Aviation Administration*

ADR.AR.A.015 (d)(2) on page 17: Please clarify how to inform EASA. This must be in a very simple way, e.g. by e-mail to avoid unnessecary administrative burden for the member states. We suggest EASA to create a data base for member states to use for this purpose. (This is relevant for several other paragraphs where the Agency has to be notified)

response *Noted*

Noted.
EASA is reviewing the notification process of alternative means of compliance between Member States and the Agency.

comment 147 comment by: *Icelandic Civil Aviation Administration*

ADR.AR.A.015 (d)(3) on page 17: Please clarify how to inform other states. This must be in a very simple way, e.g. by e-mail, to avoid unnessecary administrative burden for the member states. We suggest EASA to create a data base for member states to use for this purpose. (This comment is relevant for several other paragraphs, where there is a requirement to notify the Agency.)

response *Noted*

Noted.
Note that the AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.

In any case EASA has included an AMC on (d) (3) to help this information process among Member States.

AMC1-ADR.AR.015 (d)(3) Means of compliance
GENERAL

The information to be provided to other Member States following approval of an alternative means of compliance should contain a reference to the Acceptable Means of Compliance (AMC) to which such means of compliance provides an alternative, as well as a reference to the corresponding Implementing Rule, indicating as applicable the subparagraph(s) covered by the alternative means of compliance.

comment 257 comment by: *CAA Norway*

ADR.AR.A.015 (d)(2) on page 17: Please clarify how to inform EASA. This must be in a very simple way, e.g. by e-mail to avoid unnessecary administrative burden for the member states. We suggest EASA to create a data base for member states to use for this purpose. (This is relevant for several other paragraphs where the Agency has to be notified)

response *Noted*

Noted.
EASA is reviewing the notification process of alternative means of compliance between Member States and the Agency.

comment 258 comment by: CAA Norway

ADR.AR.A.015 (d)(3) on page 17: Please clarify how to inform other states. This must be in a very simple way, e.g. by e-mail, to avoid unnessecary administrative burden for the member states. We suggest EASA to create a data base for member states to use for this purpose. (This comment is relevant for several other paragraphs, where there is a requirement to notify the Agency.)

response *Noted*

Noted.
Note that the AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.

In any case EASA has included an AMC on (d) (3) to help this information process among Member States.

AMC1-ADR.AR.015 (d)(3) Means of compliance
GENERAL
The information to be provided to other Member States following approval of an alternative means of compliance should contain a reference to the Acceptable Means of Compliance (AMC) to which such means of compliance provides an alternative, as well as a reference to the corresponding Implementing Rule, indicating as applicable the subparagraph(s) covered by the alternative means of compliance.

comment 273 comment by: CAA Austria - Ministry of Transport

Article d – 2 has to be removed or to be clarified.
The reason is not clear why EASA has to be notified of all documents.

Article d – 3 has to be removed or to be clarified.
The reason is not clear why all documentation has to be sent to Member States for information.

response *Not accepted*

Not agreed.
The Agency has a mandate by law (Basic Regulation Article 19) to develop AMCs but this does not mean that national aviation authorities should not participate in this process. In domains where they are themselves the competent authorities to implement Community law, they may where necessary develop such material based on their own understanding or by using material issued by EASA. Whenever a competent authority decides to issue their own national alternative means of compliance, such means only commit itself. Other competent authorities are not required to follow them. Moreover, such alternative means of compliance issued by the competent authority do not in any way alter the presumption of

compliance provided by the Agency AMCs. The Agency will monitor that competent authorities properly manage the process of issuing their own means of compliance through EASA standardisation inspections.

Accepted alternative means of compliance are to be shared with the Agency for the purpose of the Standardisation visits and in order to see if the authorities used the correct process for the evaluation of the alternative means of compliance. The sharing of the alternative means of compliance with the other Member States is to allow these to also use them if they are applicable to a similar case. EASA monitors this.

However EASA is reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.

comment	<p>284 comment by: <i>BAA Airside operations</i></p> <p>ADR.AR.A.015 (d) (4)</p> <p>Propose additional words "(d)(4) inform certified aerodromes in the State of the competent authority."</p> <p>Aerodrome operators would like to be notified of new approved alternative means of compliance by the competent authority.</p>
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.</p>
comment	<p>328 comment by: <i>Danish Transport Authority</i></p> <p>(d) (2)</p> <p>The notification of the Agency with relevant documentation, full description of the compliance creates administration burdens for the competent authorities. A system should be established with the requirement that the competent authorities keeps the documentation until the Agency request the information. A structure to notification of relevant information in a form and manner established by the Agency should be developed. Also see comments to ADR.AR.A.020 and ADR.AR.A.025 (b). Aerodrome operators are concerned that implementation of the regulation will effect the powers of the Member States. The paths to communicate seems longer and confusing.</p>
response	<p><i>Noted</i></p> <p>Agreed. EASA has made this a requirement to inform EASA. Note that the AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency.</p>

comment	<p>370 comment by: <i>Edinburgh Airport</i></p> <p>ADR.AR.A015 (d) Propose additional wording "(d) inform certified aerodromes in the State of the competent authority." Justification - Aerodrome operators should/must be notified of new approved alternative means of compliance.</p>
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.</p>
comment	<p>431 comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i></p> <p>c) General comment: Rules of Part-AR that refer to the authorities' management organization or to administrative procedures must be deleted, or be shifted to GM at least, as EASA/COM do not have any legal competence to create such detailed binding rules which would interfere with the Member States' sovereignty.</p> <p>Therefore c) should be ammended as " the competent authority shall ensure to consistently evaluate ..."</p> <p>d) 3) this seems to jeopardize the very idea of EASA as a single point of contact for safety issues. As it is the purpose of the BR to ensure a high and uniform level of safety within Europe and EASA has been set up to oversee this process, the task of informing other Member States should be solely concentrated on the Agency</p>
response	<p><i>Noted</i></p> <p>Comment to c): Noted. Please see response to comment 3050. Furthermore, it is expected that Germany would despite its federal structure be able to have a systemic approach to the evaluation of Alternative means of compliance, which can in its functioning be described. This is what is meant here.</p> <p>Comment to d): Partially agreed. The AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency.</p>
comment	<p>521 comment by: <i>Estonian CAA</i></p> <p>ADR.AR.A.015 (d)(2) on page 17: Please clarify how to inform EASA. This must be in a very simple way, e.g. by e-mail to avoid unnessecary administrative burden for the member states. We suggest EASA to create a data base for member states to use for this purpose. (This is relevant for several other paragraphs where the Agency has to be notified)</p>
response	<p><i>Noted</i></p>

Noted.
EASA is reviewing the notification process of alternative means of compliance between Member States and the Agency.

comment 522 comment by: *Estonian CAA*
ADR.AR.A.015 (d)(3) on page 17: Please clarify how to inform other states. This must be in a very simple way, e.g. by e-mail, to avoid unnessecary administrative burden for the member states. We suggest EASA to create a data base for member states to use for this purpose. (This comment is relevant for several other paragraphs, where there is a requirement to notify the Agency.)

response *Noted*
Noted.
Note that the AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.

In any case EASA has included an AMC on (d) (3) to help this information process among Member States.

AMC1-ADR.AR.015 (d)(3) Means of compliance
GENERAL
The information to be provided to other Member States following approval of an alternative means of compliance should contain a reference to the Acceptable Means of Compliance (AMC) to which such means of compliance provides an alternative, as well as a reference to the corresponding Implementing Rule, indicating as applicable the subparagraph(s) covered by the alternative means of compliance.

comment 566 comment by: *Belfast International Airport - BFS/EGAA*
The aerodrome operator should be informed of new approved alternative means of compliance.

response *Accepted*
Not agreed.
This is already foreseen under ADR.AR.A.015 (d) (1).

comment 588 comment by: *Bristol Airport - BRS/EGGD*

ADR.AR.A.015(d)	Propose additional words "(d) inform certified aerodromes in the State of the competent authority."	Aerodrome operators should / must be notified of new approved alternative means of compliance.
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response *Accepted*
Agreed.
EASA adopted this idea. However this departs from Regulation 290/2012

for Authority Requirements for Aircrew.

comment 637 comment by: *Exeter International Airport*
 ADR.AR.A.015(d) : Propose additional words "(d) inform certified aerodromes in the State of the competent authority." Aerodrome operators should / must be notified of new approved alternative means of compliance.

response *Accepted*
 Agreed.
 EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.

comment 721 comment by: *Finnish Transport Safety Agency*
 ADR.AR.A.015 (d)(2) on page 17: Please clarify how to inform EASA. This must be in a very simple way, e.g. by e-mail to avoid unnessecary administrative burden for the member states. We suggest EASA to create a data base for member states to use for this purpose. (This is relevant for several other paragraphs where the Agency has to be notified)

response *Noted*
 Noted.
 EASA is reviewing the notification process of alternative means of compliance between Member States and the Agency.

comment 722 comment by: *Finnish Transport Safety Agency*
 ADR.AR.A.015 (d)(3) on page 17: Please clarify how to inform other states. This must be in a very simple way, e.g. by e-mail, to avoid unnessecary administrative burden for the member states. We suggest EASA to create a data base for member states to use for this purpose. (This comment is relevant for several other paragraphs, where there is a requirement to notify the Agency.)

response *Noted*
 Noted.
 Note that the AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.
 In any case EASA has included an AMC on (d) (3) to help this information process among Member States.
 AMC1-ADR.AR.015 (d)(3) Means of compliance
 GENERAL
 The information to be provided to other Member States following approval of an alternative means of compliance should contain a reference to the Acceptable Means of Compliance (AMC) to which such means of compliance provides an alternative, as well as a reference to the

corresponding Implementing Rule, indicating as applicable the subparagraph(s) covered by the alternative means of compliance.

comment

803

comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

Da "AMCs", die durch die EASA veröffentlicht wurden, bereits nicht verbindliche Standards darstellen, ist es nicht erforderlich, auch noch Verfahren für alternative Standards einzuführen. Allein die jeweils zuständigen Luftfahrtbehörden und/oder die Mitgliedsstaaten sind für ihre Entscheidungen und die jeweils zu Grunde gelegten Verfahren und Entscheidungskriterien verantwortlich, ob Verordnungsinhalte bzw. Regeln erfüllt sind oder nicht.

AMCs stellen lediglich eine unverbindliche Hilfestellung bei der Erarbeitung nationaler Verfahren dar. AMCs können und dürfen nicht zu verbindlichen "Standards" erklärt werden, wie es in der Vergangenheit in anderen Bereichen bei "EASA-Standardisierungs-Audits" bereits erfolgt ist.

*Because "AMCs" developed by the Agency are **non-binding** standards, no procedures for alternative means of compliance have to be established. The member states and/or the competent authorities are accountable for their decisions and their related procedures, wheter something is compliant to the Basic Regulation and its Implementing Rules.*

AMCs are representing only a noncommittal assistance to develop national procedures. It is not allowed, to declare AMCs to a binding obligatory "Standard", as it took place in the past during "EASA-Standardisation-Visits".

response

Noted

Not agreed.

AMCs are published by the Agency in order to provide organisations and authorities are given one way in which to achieve the aim of an implementing rule. The use of EASA AMCs carries the presumption of compliance. They are however just one of the possible means of compliance with the rule. When Member States or their regulated organisations can develop with respect to the rule applicable to them develop alternative means of compliance. Their evaluation to determine if they meet the objective of the implementing rule is crucial. Furthermore, it is the case that it is aimed to have a growing body of acceptable means of compliance for the rules and therefore the notification of the rule to the Agency and the other Member States is needed to see if an alternative means of compliance can become an official AMC in the rulemaking process. Last but not least the Standardisation directorate wants to be informed about the use of alternative means of compliance when preparing their visits to the Member States.

Note that the AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.

comment

914

comment by: *Gatwick Airport Ltd*

(d) Propose additional words "(d) inform certified aerodromes in the State of the competent authority."

	Aerodrome operators should / must be notified of new approved alternative means of compliance.
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.</p>
comment	<p>953 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>ADR.AR.015(a)</p> <p>What happens if the Agency adopts AMC which is challenged as not meeting the requirements of the Regulation? This Article is worded as a statement of fact, not a statement of legal interpretation.</p>
response	<p><i>Noted</i></p> <p>Noted. AMCs are developed by the Agency and/or in collaboration with experts from industry and the national authorities. If at any time an AMC needs amending or withdrawing, this can be done through the EASA rulemaking process which draws on its own and the aforementioned resources to develop them.</p>
comment	<p>954 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>ADR.AR.A.015(d)</p> <p>2 comments</p> <p>1. Should this text also refer to alternate means of compliance proposed by apron management services? See ADR.OR.A.015. Suggest you amend text as necessary.</p> <p>2. The text refers to "ADR.OR.A.015" of which (d) is a part and is therefore self referencing. Suggest you amend the reference to be "ADR.OR.A.015 (C)".</p>
response	<p><i>Partially accepted</i></p> <p>To 1: Agreed. This looks like an omission and will be changed so that Apron Management Services are also included.</p> <p>To 2: No agreed. It refers her to ADR.OR.A.015 and therefore to the equivalent rule in the organisation requirements. The OR rule has no (d).</p>

comment	<p>985 comment by: <i>Dublin Airport Authority</i></p>
	<p>Ref (d) Second paragraph - addition as follows</p> <p>When the competent authority finds that the alternative means of compliance proposed by the aerodrome operator or the provider of the apron management services are not in accordance with the Implementing Rules, it shall without delay:</p> <ul style="list-style-type: none"> · Notify the applicant that the alternative means of compliance may not be implemented; · Advise and agree with the aerodrome operator the steps necessary to ensure compliance; <p>The aerodrome operator will then resubmit the alternative means of compliance.</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. The suggestion is not in line with the adopted Regulation 290/2012 for authority requirements for aircrew and would be micro managing the relationship between the authority and the operator. Important is what happens when an alternative AMC is accepted and how that gets disseminated.</p>
comment	<p>993 comment by: <i>Avinor</i></p> <p>ADR.AR.A.015(d). Propose additional words "(d) inform certified aerodromes in the State of the competent authority." Aerodrome operators would like to be notified of new approved alternative means of compliance.</p>
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.</p>
comment	<p>1101 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.A.015 (d) — Means of compliance (p16-17) • ANNEX I - Part-AR - ADR.AR.B.005 (d) — Management system (p20) • ANNEX I - Part-AR - ADR.AR.C.040(f) – Changes (26-27) • AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.B.005(d) — Management system (p13-14) • AMC/GM to ANNEX I — Part-AR — AMC1 -ADR.AR.C.040(f) — Changes (p31-32) • AMC/GM to ANNEX I — Part-AR — AMC3 -ADR.AR.C.040(a);(f) — Changes (p32-33) • AMC/GM to ANNEX I — Part-AR - GM1-ADR.AR.C.035(a)(3) –

- Changes (p28)
- AMC/GM to ANNEX I — Part-AR - GM1-ADR.AR.C.040(c) – Changes (p33)
- ANNEX II - Part-OR – ADR-OR.B.040(a) – Changes (p41-42)
- AMC/GM to ANNEX II — Part-OR — AMC1-ADR.OR.B.040(a) — Changes (p60-61)

This comment is linked to comment 855 of book II (AMC/GM).

2. General comment

These paragraphs lead to many formal exchanges that are not always relevant and that considerably increase the administrative burden of:

- both the EASA and the competent authority for ADR.AR.A.015 (d), ADR.AR.B.005 (d) and the corresponding acceptable means of compliance and
- both the aerodrome operator and the competent authority for ADR.AR.C.040(f) and the corresponding acceptable means of compliance.

3. Justification and proposed text / comment

- Paragraph (d) of ADR.AR.A.015

Minor alternative AMC to the ones proposed by EASA may be accepted, due to local special constraints. In order to avoid administrative burden both for the EASA and the competent authority, it is proposed to only notify the “significant” alternative AMC, i.e. the ones which differs notably from the EASA's ones and the ones that will be applied on a national scale. Paragraph (d) of ADR.AR.A.015 requires notification of these alternatives AMC to all other Member States which amplifies considerably the aforementioned administrative burden, in particular for AMC that may not be usable or relevant for other aerodromes.

Paragraph (d) of ADR.AR.A.015 also implies that alternative AMC that could be possibly rejected by EASA will be notified to other Member States, without them knowing of the acceptability the alternative AMC. It is proposed to delete this requirement and let EASA informs all the Member States (for example, through a website) of the AMC that are deemed acceptable.

In order to limit the administrative burden to the most pertinent, DGAC proposes the following modifications of ADR.AR.A.015:

ADR.AR.A.015 — Means of compliance

“ [...]

(d) [...] When the competent authority finds that the alternative means of compliance proposed by the aerodrome operator or the provider of apron management services are in accordance with the Implementing Rules, it shall without undue delay:

(1) notify the applicant that the alternative means of compliance may be implemented and, if applicable, amend the approval or certificate of the applicant accordingly;

(2) notify the Agency of their content of the significant ones, including copies of the relevant documentation;

~~*(3) inform other Member States about alternative means of compliance that were accepted.*~~

(e) [...] The competent authority shall provide the Agency with a full description of the significant alternative means of compliance, including

any revisions to procedures that may be relevant, as well as an assessment demonstrating that the Implementing Rules are met. "

- Paragraph (d) of ADR.AR.B.005 and AMC1-ADR.AR.B.005 (d)

The adaptation of the procedures of the competent authority is a living and ongoing processes. In order to avoid administrative burden both for the competent authority and the EASA, DGAC proposes to only notify the most significant amendments of the procedures.

ADR.AR.B.005 – Management system

" [...]

*(d) A copy of the procedures related to the management system and their **significant** amendments shall be made available to the Agency for the purpose of standardisation."*

AMC1-ADR.AR.B.005 (d) – Management system

"PROCEDURES AVAILABLE TO THE AGENCY

*(a) Copies of the procedures in the competent authority's management system should be made available to the Agency for the purpose of standardisation. These should include **any significant** amendments to the procedures. The procedures should provide at least the following information:*

[...]"

- Paragraph (f) of ADR.AR.C.040 and AMC1-ADR.AR.C.040(f)

The tasks allocated to the competent authority for "changes not requiring prior approval" are as high as for those requiring prior approval which is not pertinent.

Considering the numerous changes notified to the competent authority, this would lead to high workload incompatible with available resources.

Furthermore, since every change would be thoroughly examined by the competent authority and providing no comment would be considered as implied approval, this would remove responsibility for the change from the aerodrome operator to the competent authority.

This is a **critical** point for DGAC that proposes the following changes to deal with it:

ADR.AR.C.040 – Changes

*"[...] (f) For changes not requiring prior approval, the competent authority shall assess the information provided in the notification sent by the aerodrome operator in accordance with ADR.OR.B.040 to verify compliance with the Certification Specifications **basis** issued by the Agency and the applicable requirements, as appropriate. In case of any non-compliance, the competent authority shall:*

(1) notify the aerodrome operator about the non-compliance and request further changes; and

(2) in case of level 1 or level 2 findings, act in accordance with Article ADR.AR.C.055.

[...]"

AMC1 -ADR.AR.C.040(f) – Changes – page 31

"CHANGES NOT REQUIRING PRIOR APPROVAL

(a) Upon receiving a notification of a change that does not require a prior

approval, the competent authority should:

~~(1) assess the change in relation to is compliant with the certification basis and the applicable requirements of Part ADR.OR, Part ADR.OPS, as well as any other applicable requirements;~~

~~(2) assess if the aerodrome operator has identified all the certification specifications, applicable requirements of Part ADR.OR, Part ADR.OPS, or other applicable requirements which are related to or affected by the change, as well as any cases related to demonstration of an equivalent level of safety;~~

~~(3) assess the actions proposed by the aerodrome operator in order to show compliance with (1) and (2) above;~~

~~(4) review and assess the content of the changes to the aerodrome manual; and;~~

~~(5) evaluate check that the safety assessment that has been submitted by the aerodrome operator, in accordance with AMC1 ADR.AR.C.035(b) and verify its compliance with ADR.OR.B.065 coordinated with third parties, and that it properly identifies risks and mitigation means.~~

[...]"

- AMC3 -ADR.AR.C.040(a);(f) – Changes (p32-33) and GM1-ADR.AR.C.035(a)(3) – Changes (p28)

In paragraph (a), the changes in nominated persons should not be transmitted to the competent authority as they are not significant safety related matter. The competency of nominated persons should be assessed by the aerodrome operator within its SMS, and the authority will oversee the SMS functioning is adequate, but not assess directly the competency of aerodrome operator staff. The word "qualification" should be avoided (see comment n°869 on qualifications). It is consequently proposed to delete this paragraph.

In paragraph (c): only significant amendments of the management system documentation should be notified to the competent authority.

It is consequently proposed to modify AMC3 -ADR.AR.C.040(a);(f) – Changes as follows :

AMC3 -ADR.AR.C.040(a);(f) – Changes (p32-33)

GENERAL

~~(a) Changes in nominated persons: The competent authority should be informed of any changes to personnel specified in Part ADR.OR that may affect the certificate or the terms of approval attached to it. When an aerodrome operator submits the name of a nominee for the nominated persons mentioned in ADR.OR.D.015, the competent authority should assess his/her qualifications and may interview the nominee or call for additional evidence of his/her suitability before deciding upon his/her acceptability (see GM1 ADR.AR.C.035 (a)(3)).~~

~~(b) A documented systematic approach should be used for maintaining the information on when an amendment was received by the competent authority and when it was approved.~~

~~(c) The competent authority should receive from the aerodrome operator each **significant** management system documentation amendment, including amendments that do not require prior approval by the competent authority. Where the amendment requires the competent authority's approval, the competent authority, when satisfied, should indicate its approval in writing. Where the amendment does not require prior approval, the competent authority should acknowledge receipt in writing~~

*within the time limits existing
under the relevant national legislation.
[...]"*

and delete GM1-ADR.AR.C.035(a)(3) – Changes

GM1-ADR.AR.C.040(c)

It is agreed that any changes to the terms of approval of the certificate should be prior approved by the competent authority. However, this does not systematically lead to the formal change of the certificate itself : for a temporary change the formal process of modifying the certificate might take longer than the changes itself.

It is proposed to modify GM1-ADR.AR.C.040(c) : change "*irrespective of their magnitude*" by "*where appropriate*"

- Paragraph (a) of ADR.OR.B.040 and AMC1-ADR.OR.B.040(a)

Paragraph (a)(3) of ADR.OR.B.040 is not clear on which entity (the competent authority or the aerodrome operator) decides whether a change needs to be approved by the competent authority or not. DGAC proposes modify it to indicate more explicitly that these changes are those that the competent authority finds necessary to be approved:

ADR.OR.B.040 – Changes

"(a) Any significant change affecting:

(1) the terms of approval of the certificate; or

(2) any of the elements of the operator's management system as required in ADR.OR.D.005 (b)(1), (b)(3), (b)(4), (b)(6) and (b)(7); or

(3) any additional elements notified to the competent authority in accordance with paragraph (c) but ~~found necessary to be approved by the competent authority~~ found necessary by the competent authority to be approved,

shall require prior approval by the competent authority.

[...]"

Paragraph (b) of AMC1-ADR.OR.B.040(a) gives too much details while flexibility is needed and the changes requiring prior approval by the competent authority are already defined in accordance with paragraph (a) and (c) of ADR.OR.B.040. It is essential to delete this paragraph to prevent from useless increased administrative burden between the aerodrome operator and the competent authority.

AMC1-ADR.OR.B.040(a) – Changes

"CHANGES REQUIRING PRIOR APPROVAL

[...]

~~(b) Examples of such changes include, but are not limited to, the following:~~

~~(1) changes to the physical characteristics of a runway; such as:~~

~~(i) new runway(s): a development resulting in the construction of a 'new' runway (e.g. new construction, or the change of an existing grass surface to a paved surface);~~

~~(ii) runway extension or shortening resulting in an amendment to declared distances;~~

~~(iii) threshold relocation (Instrument Status): a development involving relocation of the instrument runway threshold, or relocation of a non-instrument runway threshold in preparation for instrument status;~~
~~(iv) changes to runway designation.~~
~~(2) changes of the aerodrome visual aids or other changes to the aerodrome, when such changes are associated with a change (upgrade or downgrade) of the intended operations (e.g. to accommodate low visibility operations and/or night operations);~~
~~(3) changes in the aerodrome operating minima;~~
~~(4) change that affects the obstacle limitation surfaces associated with approved type of approaches;~~
~~(5) change in the level of the rescue and fire fighting services;~~
~~(6) changes in the organisational structure of the organisation, including responsibilities, and accountabilities;~~
~~(7) changes related to fuel provision."~~

response *Partially accepted*

Noted.

The competent authority should be able to determine what represents a means of compliance that is still within the interpretation of the AMC issued by EASA and which variation done by the operator or provider of apron management services departs from the AMC and therefore represents an alternative means of compliance. It is also obvious that the competent authorities will undergo a learning process in this regard, which will be gradually calibrated with the help of the standardisation process by EASA.

Add the word "significant"

Not agreed:

The word "significant" only opens questions about its precise meaning. This does not resolve the issue, therefore we do not agree with its inclusion into the text. Furthermore, adding this word would represent a departure from what is adopted by the European legislator in Reg. 290/2012 and thus trigger further question about why in the area of aircrew it was not used and now in aerodromes it was introduced. This would create more legal uncertainty.

comment *1254* comment by: *Blackpool Airport - BLK/EGNH*

ADR.AR.A.015(d) : Propose additional words "(d) inform certified aerodromes in the State of the competent authority." Aerodrome operators should / must be notified of new approved alternative means of compliance.

response *Accepted*

Agreed.

EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.

comment *1320* comment by: *Federal Office of Civil Aviation FOCA*

ADR.AR.A.015: FOCA suggests following formulation: "inform the Agency about alternative means of compliance" instead of "inform other member states about alternative means of compliance"

ADR.AR.A.015 (d) (2): Has to be removed or to be clarified. Justification: The reason is not clear why EASA has to be notified of all documents.

ADR.AR.A.015 (d) (3): Has to be removed or to be clarified. Justification: The reason is not clear why all documentation has to be sent to Member States for information.

response *Not accepted*

Not agreed.

The Agency has a mandate by law (Basic Regulation Article 19) to develop AMCs but this does not mean that national aviation authorities should not participate in this process. In domains where they are themselves the competent authorities to implement Community law, they may where necessary develop such material based on their own understanding or by using material issued by EASA. Whenever a competent authority decides to issue their own national alternative means of compliance, such means only commit itself. Other competent authorities are not required to follow them. Moreover, such alternative means of compliance issued by the competent authority do not in any way alter the presumption of compliance provided by the Agency AMCs. The Agency will monitor that competent authorities properly manage the process of issuing their own means of compliance through EASA standardisation inspections.

Accepted alternative means of compliance are to be shared with the Agency for the purpose of the Standardisation visits and in order to see if the authorities used the correct process for the evaluation of the alternative means of compliance. The sharing of the alternative means of compliance with the other Member States is to allow these to also use them if they are applicable to a similar case. EASA monitors this.

However EASA is reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.

comment 1394

comment by: *Brussels Airport - BRU/EBBR*

I'd like to see the start of a European database with all alternative means of compliance, risk assessments, safety cases and studies that (will) have been approved by the NAA's as well as all the approved Equivalent levels of Safety for all different subjects, so that these can be consulted, used by other aerodrome operators in case they have to make a (safety) case for a similar subject on their own airport.

In the same way (maybe in the same database) I'd like to see the start of a listing of all approved "Equivalent levels of safety" & "Special conditions" for all kinds of subjects.

This will not only help all aerodrome operators as such, but it will also help the EASA and the NAA's to keep, to maintain the same level of safety of these particular subjects, to have the same qualification of risks (Risk index) of these subjects, to have the 'same' basis to determine whether a subject has a similar level of safety, for similar subjects, etc. throughout all the aerodromes in different European countries.

In addition, to include also in a database, the mitigating measures, acceptable to the NAA's, and the resulting Risk Indices, for these subjects.

	<p>All this will help in standardization in general. But a database like that will also help during future visits of EASA inspection teams with the NAA, to check if all the NAA's work and approve certain items in the same way, to similar standards.</p> <p>It will also improve "transparency" for all airport authorities/operators and confidence in the work done by the NAA's & the Agency.</p>
response	<p><i>Accepted</i></p> <p>Agreed. EASA is currently reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will bring about such a database.</p>
comment	<p><i>1483</i> comment by: <i>Aberdeen Airport Airside Operations</i></p> <p>Proposed additional words "(d) inform certified aerodromes in the State of the competent authority - Aerodrome operators would like to be notified of new approved alternative means of compliance</p>
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.</p>
comment	<p><i>1502</i> comment by: <i>Stansted Airport</i></p> <p>ADR.AR.A.015(d)</p> <p>Propose additional words "(d) inform certified aerodromes in the State of the competent authority."</p> <p>Aerodrome operators would like to be notified of new approved alternative means of compliance.</p>
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.</p>
comment	<p><i>1641</i> comment by: <i>Swedish Transport Agency</i></p> <p>ADR.AR.A.015 (d)(3) on page 17: Please clarify how to inform other states. This must be in a very simple way, e.g. by e-mail, to avoid unnessecary administrative burden for the member states. We suggest EASA to create a data base for member states to use for this purpose. (This comment is relevant for several other paragraphs, where there is a requirement to notify the Agency.)</p>
response	<p><i>Noted</i></p> <p>Noted Note that the AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however</p>

reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.

In any case EASA has included an AMC on (d) (3) to help this information process among Member States.

AMC1-ADR.AR.015 (d)(3) Means of compliance
GENERAL

The information to be provided to other Member States following approval of an alternative means of compliance should contain a reference to the Acceptable Means of Compliance (AMC) to which such means of compliance provides an alternative, as well as a reference to the corresponding Implementing Rule, indicating as applicable the subparagraph(s) covered by the alternative means of compliance.

comment	<p>1643 comment by: <i>Swedish Transport Agency</i></p> <p>ADR.AR.A.015 (d)(2) on page 17: Please clarify how to inform EASA. This must be in a very simple way, e.g. by e-mail to avoid unnessecary administrative burden for the member states. We suggest EASA to create a data base for member states to use for this purpose. (This is relevant for several other paragraphs where the Agency has to be notified)</p>
response	<p><i>Noted</i></p> <p>Noted. EASA is reviewing the notification process of alternative means of compliance between Member States and the Agency.</p>
comment	<p>1675 comment by: <i>ECA - European Cockpit Association</i></p> <p>Add as follows under (d)(1): notify the applicant, <u>local pilots' associations and providers of apron management services</u> that the alternative means of compliance may be implemented and, if applicable, amend the approval or certificate of the applicant accordingly;</p> <p>Justification: Local pilots' associations and providers of apron management have to be informed about any alternative means of compliance to guarantee a uniform implementation of that alternative means of compliance and therefore to guarantee a high level of safety.</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. It is not for the competent authority to give out this information to any interested parties. The interested parties should be in a dialogue with the aerodrome operator about the use of alternative means of compliance in the user and safety committee that exist.</p>
comment	<p>1679 comment by: <i>ECA - European Cockpit Association</i></p> <p>Add as follows under (e)(1): (1) make them available to aerodrome operators, <u>local pilots'</u></p>

associations and providers of apron management services under its oversight;

Justification:

Local pilots' associations should be explicitly mentioned as they are one of the main stakeholders that are needed to guarantee a uniform and high level of safety.

response *Not accepted*

Not agreed.

It is not for the competent authority to give out this information to any interested parties. The interested parties should be in a dialogue with the aerodrome operator about the use of alternative means of compliance in the user and safety committee that exist.

comment

1747

comment by: UK CAA

Page No: 16

Paragraph No: ADR.AR.A.015 (c)

Comment: The inclusion of providers of apron management services in this paragraph does not distinguish between those subject to an approval process and those subject to a declaration process under a Member State derogation, as allowed in Article 8a of the Basic EASA Regulation. It should not be assumed that those subject to a declaration are required to provide the competent authority with a list of alternative means of compliance used in accordance with ADR.OR.060(a)(2). The UK CAA does not support this requirement.

Justification: The declaration process should simply ensure that the provider acknowledges its responsibilities, notifies the NAA of its existence and provides sufficient information to enable the NAA to exercise enforcement activities as it thinks proper. The UK CAA has maintained this position in commenting on the proposals for declarations from NCC operators.

Requiring all declared providers to notify NAAs when they use alternative means of compliance takes the process too far towards a certification regime. The UK CAA suggests that submission of alternative means of compliance and any assessment thereof should depend on a request from the competent authority where it assesses the need to do so in accordance with its risk-based oversight programme. This would allow proportionate and targeted oversight of declared organisations. The UK CAA suggests that the text in this provision be deleted but additional text added to ADR.AR.C.050, consistent with proposals made with respect to NCC provisions, to empower the competent authority to request providers to submit a list of AMCs used.

Proposed Text: Amend to "or providers of apron management services that are not subject to a declaration process"

response *Not accepted*

Not agreed.

EASA takes the same line also in response to comment 1853 on the OR side.

The Agency does not share the view that providers of apron management services should not declare to the competent authority the alternative means of compliance that they may use. If this is not done, then the authority will not be in a position to identify a possible need for audit/inspection but most importantly it will not be able to fulfil its obligations arising from the overall concept for the use of alternative means of compliance. In any case such declared organisations are not certified.

comment

1749

comment by: UK CAA

Page No: 17**Paragraph No:** ADR.AR.A.015 (d)(3)

Comment: The UK CAA recognises that the requirement for each competent authority to inform other Member States about alternative means of compliance replicates equivalent requirements in IRs already agreed for Aircrew and Operations, namely ARA.GEN.120 and ARO.GEN.120. However, the burden that this would impose on each competent authority was recognised during the discussion of these provisions and the Agency undertook to provide a centralised mechanism for promulgating this information. UK CAA would welcome information on when this mechanism will be in place.

Justification: As the scope of the EASA system expands the number of alternative AMCs will also increase with associated burdens on competent authorities. Assurance that a centralised system will soon be in place is desirable before agreement to such an increased burden can be accepted.

response

Noted

Noted.

The AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.

comment

1916

comment by: Birmingham Airport - BHX/EGBB

include additional wording as (d) 4 "inform certified aerodromes in the State of the competent authority". It is surely appropriate to notify Aerodrome Operators of new approved alternative means of compliance.

response

Accepted

Agreed.

EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.

comment

2014

comment by: Airport Operators Association

	<p>ADR.AR.A.015(d) We propose the addition of a new sub paragraph (d) to read "inform certified aerodromes in the State of the competent authority." Justification - Aerodrome operators must be notified of new approved alternative means of compliance.</p>
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.</p>
comment	<p>2056 comment by: <i>Ministry of Infrastructure and Agriculture of Brandenburg</i></p> <p>Para d)3) the single point of contact should be EASA</p>
response	<p><i>Noted</i></p> <p>Noted. The AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.</p>
comment	<p>2104 comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i></p> <p>Para d) 2): Provision of copies of all relevant documentation is quite an administrative burden without creating added value.</p> <p>Para d) 3): This seems to jeopardize the very idea of EASA as a single point of contact for safety issues. As it is the purpose of the BR to ensure a high and uniform level of safety within Europe and EASA has been set up to oversee this process, the task of informing other Member States should be solely concentrated on the Agency.</p>
response	<p><i>Noted</i></p> <p>Comment to d) 2) and d) 3): Partially agreed. The AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency.</p>
comment	<p>2194 comment by: <i>CAA CZ</i></p> <p>Comment by Karlovy Vary airport ADR.AR.A.015 — Means of compliance We propose modified wording, which takes into account the AMSP: „d) The competent authority shall evaluate the alternative means of compliance (ALTMC) proposed by an aerodrome operator (AOR) or the</p>

	<p>provider of apron management services (AMSP) for a given aerodrome, in accordance with ADR.OR.A.015, by analysing the documentation provided and, if considered necessary, conducting an inspection of the AOR, AMSP or the aerodrome.</p> <p>When the competent authority finds that the ALTMC proposed are in accordance with the Implementing Rules, it shall without undue delay:"</p>
response	<p><i>Accepted</i></p> <p>Agreed. This looks like an omission and will be changed so that Apron Management Services are also included.</p>
comment	<p>2245 comment by: <i>Luftfahrtbehörde Schleswig-Holstein</i></p> <p>In paragraph (d)(3) the competent authority is required to inform other Member States about alternative means of compliance. This doesn't comply with the idea of EASA as a single point of contact for safety issues. Member States should only be required to notify EASA. All notifications to the European Commission and to other Member States should be made by EASA. This comment applies to a number of provisions in this proposed framework.</p>
response	<p><i>Noted</i></p> <p>Noted. The AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.</p>
comment	<p>2352 comment by: <i>Dublin Airport Authority</i></p> <p>Suggested addition: When the competent authority finds that the alternative means of compliance proposed by the aerodrome operator or the provider of the apron management services are not in accordance with the Implementing Rules, it shall without delay:</p> <ul style="list-style-type: none"> · Notify the applicant that the alternative means of compliance may not be implemented; · Advise and agree with the aerodrome operator the steps necessary to ensure compliance; <p>The aerodrome operator may then resubmit the alternative means of compliance</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. The suggestion is not in line with the adopted Regulation 290/2012 for authority requirements for aircrew and would be micro managing the relationship between the authority and the operator. Important is what happens when an alternative AMC is accepted and how that gets</p>

disseminated.

comment	<p>2370 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>015 (d) 2nd paragraph : Propose additional words "Inform certified aerodromes in the state when the competent authority..."</p> <p>Justification: Aerodrome operators should / must be notified of new 'approved' alternative means of compliance.</p>
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.</p>
comment	<p>2518 comment by: <i>Shannon Airport</i></p> <p>When the competent authority finds that the alternative means of compliance proposed by the aerodrome operator or the provider of the apron management services are not in accordance with the Implementing Rules, it shall without delay:</p> <ul style="list-style-type: none"> · Notify the applicant that the alternative means of compliance may not be implemented; · Advise and agree with the aerodrome operator the steps necessary to ensure compliance; <p>The aerodrome operator will then resubmit the alternative means of compliance</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. The suggestion is not in line with the adopted Regulation 290/2012 for authority requirements for aircrew and would be micro managing the relationship between the authority and the operator. Important is what happens when an alternative AMC is accepted and how that gets disseminated.</p>
comment	<p>2655 comment by: <i>HIA - Highlands and Islands Airports Limited</i></p> <p>Add - Airport operators must be notified of new approved alternative means of compliance.</p>
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew. However, the use of alternative means of compliance may be triggered by the individual features of the aerodrome infrastructural, traffic and organisational features. Therefore the decision to allow an alternative means of compliance is always up to the competent authority.</p>

comment	2682 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>			
	<table border="1" style="width: 100%;"> <tr> <td style="width: 30%; vertical-align: top;">ADR.AR.A.015(d)</td> <td style="width: 40%; vertical-align: top;">Propose additional words "(d) inform certified aerodromes in the State of the competent authority."</td> <td style="width: 30%; vertical-align: top;">Aerodrome operators should / must be notified of new approved alternative means of compliance.</td> </tr> </table>	ADR.AR.A.015(d)	Propose additional words "(d) inform certified aerodromes in the State of the competent authority."	Aerodrome operators should / must be notified of new approved alternative means of compliance.
ADR.AR.A.015(d)	Propose additional words "(d) inform certified aerodromes in the State of the competent authority."	Aerodrome operators should / must be notified of new approved alternative means of compliance.		
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.</p>			
comment	2724 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i>			
	<p>These paragraphs lead to many formal exchanges that are not always relevant and that considerably increase the administrative burden of:</p> <ul style="list-style-type: none"> - both the EASA and the competent authority for ADR.AR.A.015 (d), ADR.AR.B.005 (d) and the corresponding acceptable means of compliance and - both the aerodrome operator and the competent authority for ADR.AR.C.040(f) and the corresponding acceptable means of compliance. <p>There are some others articles that should be change to avoid administrative burden.</p>			
response	<p><i>Noted</i></p> <p>Noted. The AMC procedure is established now for Authority Requirements for Aircrew in regulation 290/2012. EASA is however reviewing the notification process of alternative means of compliance between Member States and the Agency. Maybe this review will touch also upon requirement under (d) 3.</p> <p>On the other points EASA will give a response in the section containing the relevant rule ADR.AR.B.005(d) and ADR.AR.C.040(f).</p>			
comment	2834 comment by: <i>Norwich International Airport</i>			
	<p>ADR.AR.A.015(d)</p> <p>Propose additional words "(d) inform certified aerodromes in the State of the competent authority."</p> <p>Aerodrome operators should / must be notified of new approved alternative means of compliance.</p>			
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.</p>			

comment	<p>2861 comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i></p> <p>ADR.AR.A.015(d). Propose additional words "(d) inform certified aerodromes in the State of the competent authority." Aerodrome operators would like to be notified of new approved alternative means of compliance.</p>
response	<p><i>Accepted</i></p> <p>Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.</p>
comment	<p>2979 comment by: <i>DAA Cork Airport</i></p> <p>When the competent authority finds that the alternative means of compliance proposed by the aerodrome operator or the provider of the apron management services are not in accordance with the Implementing Rules, it shall without delay:</p> <ul style="list-style-type: none"> - Notify the applicant that the alternative means of compliance may not be implemented; - Advise and agree with the aerodrome operator the steps necessary to ensure compliance; - The aerodrome operator will then resubmit the alternative means of compliance.
response	<p><i>Not accepted</i></p> <p>Not agreed. The suggestion is not in line with the adopted Regulation 290/2012 for authority requirements for aircrew and would be micro managing the relationship between the authority and the operator. Important is what happens when an alternative AMC is accepted and how that gets</p>
comment	<p>3049 comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <p>Comment on ADR.AR.015 (a) What happens if the Agency adopts AMC which is challenged as not meeting the requirements of the Regulation? This Article is worded as a statement of fact, not a statement of legal interpretation.</p>
response	<p><i>Noted</i></p> <p>Noted. AMCs are developed by the Agency and/or in collaboration with experts from industry and the national authorities. If at any time an AMC needs amending or withdrawing, this can be done through the EASA rulemaking process which draws on its own and the aforementioned resources to develop them.</p>
comment	<p>3057 comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i></p>

response	<i>Noted</i>
comment	3113 comment by: <i>Isavia</i> ADR.AR.A.015(d). Propose additional words "(d) inform certified aerodromes in the State of the competent authority." Aerodrome operators would like to be notified of new approved alternative means of compliance.
response	<i>Accepted</i> Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.
comment	3291 comment by: <i>Southampton Airport</i> ADR.AR.A.015 (d) - Propose addition of words to "inform certified aerodromes in the state of the competent authority". As an aerodrome operator, Southampton Airport would like to be made aware of new approved alternative means of compliance.
response	<i>Accepted</i> Agreed. EASA adopted this idea. However this departs from Regulation 290/2012 for Authority Requirements for Aircrew.

ANNEX I - Part AR - ADR.AR.A.020 – Notification of cases of equivalent level of safety and special conditions REV	p. 17
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comment	15 comment by: <i>Finnish Transport Safety Agency</i> How to specify which is significant?
response	<i>Noted</i> Noted. The requirement was removed.
comment	274 comment by: <i>CAA Austria - Ministry of Transport</i> "significant cases" has to be clarified
response	<i>Noted</i> Noted. The requirement was removed.
comment	285 comment by: <i>BAA Airside operations</i> Definition? In this context what is the meaning of the term "significant" ?

response	<i>Noted</i> Noted. The requirement was removed.				
comment	329	comment by: <i>Danish Transport Authority</i>			
	Definition of significant cases should be clarified.				
response	<i>Noted</i> Noted. The requirement was removed.				
comment	371	comment by: <i>Edinburgh Airport</i>			
	ADR.AR.A.020 - Defintion? Justification - In this context, what is the meaning of the term significant?				
response	<i>Noted</i> Noted. The requirement was removed.				
comment	567	comment by: <i>Belfast International Airport - BFS/EGAA</i>			
	In this context, what is the meaning of the term "significant"?				
response	<i>Noted</i> Noted. The requirement was removed.				
comment	589	comment by: <i>Bristol Airport - BRS/EGGD</i>			
	<table border="1"> <tr> <td>ADR.AR.A.020</td> <td>Definition?</td> <td>In this context, what is the meaning of the term "significant"?</td> </tr> </table>		ADR.AR.A.020	Definition?	In this context, what is the meaning of the term "significant"?
ADR.AR.A.020	Definition?	In this context, what is the meaning of the term "significant"?			
response	<i>Noted</i> Noted. The requirement was removed.				
comment	638	comment by: <i>Exeter International Airport</i>			
	ADR.AR.A.020 : What is meant by the term "significant"?				
response	<i>Noted</i> Noted. The requirement was removed.				
comment	804	comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i>			
	Benachrichtigungen an die EASA haben in einem föderalen Staat grundsätzlich nicht durch die zuständigen Luftfahrtbehörden, sondern				

	durch den Mitgliedsstaat zu erfolgen. Ersetze "competent authority" durch "member state" in ADR.AR.A.20. <i>Only "member states" have the obligation to notify the Agency in a federal state system. This is not a task of the competent authorities. Change "competent authority" in "member state" in ADR.AR.A.20.</i>
response	<i>Noted</i> Noted. The requirement was removed.
comment	917 comment by: Gatwick Airport Ltd Definition? In this context, what is the meaning of the term "significant"?
response	<i>Noted</i> Noted. The requirement was removed.
comment	1203 comment by: MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen Define the term "significant cases".
response	<i>Noted</i> Noted. The requirement was removed.
comment	1255 comment by: Blackpool Airport - BLK/EGNH ADR.AR.A.020 : What is meant by the term "significant"?
response	<i>Noted</i> Noted. The requirement was removed.
comment	1322 comment by: Federal Office of Civil Aviation FOCA Meaning of "significant cases" is not clear and needs to be defined.
response	<i>Noted</i> Noted. The requirement was removed.
comment	1484 comment by: Aberdeen Airport Airside Operations Definition?? - In this context, what is the meaning of the term 'significant'?
response	<i>Noted</i>

Noted.
The requirement was removed.

comment 1503 comment by: *Stansted Airport*

ADR.AR.A.020

Definition?

In this context, what is the meaning of the term "significant"?

response *Noted*

Noted.
The requirement was removed.

comment 1547 comment by: *London Luton Airport Operations Ltd*

(7), (8), (9) - London luton Airport Operations agrees with the principles here. at (7) what are the enforcement measures that can be anticipated or can a variety of measures be applied in accordance with the failure? It does not stipulate.

response *Noted*

Noted.
This comment seems to be misplaced here.

comment 1551 comment by: *Zürich Airport*

"Significant cases" needs to be defined. Otherwise different interpretations leads to different standards within the Member States.

response *Noted*

Noted.
The requirement was removed.

comment 1703 comment by: *ECA - European Cockpit Association*

Change as follows:

The competent authority shall notify the Agency, **pilots' associations and relevant providers of apron management services** of all **significant** cases of equivalent level of safety or special conditions contained in a certification basis.

Justification:

All cases of ELOS and Special Conditions are significant and shall therefore be notified to the Agency.

Local pilots' associations and providers of apron management have to be informed about any cases where an ELOS or SC is established to guarantee a uniform implementation of that alternative means of compliance and therefore to guarantee a high level of safety.

response	<i>Noted</i> Noted. The requirement was removed.
comment	1788 comment by: <i>Geneva International Airport (ROMIG)</i> The article requires the competent authority to notify all "significant cases" of ELOS or special conditions to EASA. What is meant by "significant cases"? Propose that the term "significant" should be qualified.
response	<i>Noted</i> Noted. The requirement was removed.
comment	1985 comment by: <i>ENAC Ente Nazionale per l'Aviazione Civile</i> Provide a definition of "Equivalent Level of Safety"
response	<i>Noted</i> The requirement was removed. The Agency is not planning to give a definition of ELOS. The Agency believes that this is a widely used term which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means. In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis. It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 – Appendix 3 – Technical Analysis). However there is GM on this matter under: GM2-ADR.AR.C.015(b) (1);(2) – Initiation of the certification process CERTIFICATION BASIS – PROPOSALS FOR EQUIVALENT LEVEL OF SAFETY
comment	2015 comment by: <i>Airport Operators Association</i> ADR.AR.A.020 Clarification is required on what is meant by the word "significant".
response	<i>Noted</i>

		Noted. The requirement was removed.
comment	2060	comment by: <i>Ministry of Infrastructure and Agriculture of Brandenburg</i> There has to be a clear definition of „significant cases“
response		<i>Noted</i> Noted. The requirement was removed.
comment	2106	comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i> Define " significant cases ".
response		<i>Noted</i> Noted. The requirement was removed.
comment	2377	comment by: <i>East Midlands Airport - EMA/EGNX</i> Definition required. Justification: In this context, what is the meaning of the term "significant".
response		<i>Noted</i> Noted. The requirement was removed.
comment	2594	comment by: <i>Infratil Airports Europe Ltd</i> Page No: 17 Paragraph No: ADR.AR.A.020 Comment: In this context, what is the meaning of the term "significant"?
response		<i>Noted</i> Noted. The requirement was removed.
comment	2656	comment by: <i>HIA - Highlands and Islands Airports Limited</i> Definition of <i>significant</i> , and <i>equivalent level of safety</i> required
response		<i>Noted</i> The requirement was removed.

The Agency is not planning to give a definition of ELOS. The Agency believes that this is a widely used term which does not need to be further defined.

The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis. It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 - Appendix 3 - Technical Analysis).

However there is GM on this matter under:

GM2-ADR.AR.C.015(b) (1);(2) — Initiation of the certification process
CERTIFICATION BASIS — PROPOSALS FOR EQUIVALENT LEVEL OF SAFETY

comment	2683	comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>
	ADR.AR.A.020	Definition? In this context, what is the meaning of the term "significant"?
response	<i>Noted</i> Noted. The requirement was removed.	
comment	2757	comment by: <i>TAG Farnborough Airport Ltd</i>
	Please define 'significant'.	
response	<i>Noted</i> Noted. The requirement was removed.	
comment	2837	comment by: <i>Norwich International Airport</i>
	In this context, what is the meaning of the term "significant"?	
response	<i>Noted</i> Noted. The requirement was removed.	
comment	3059	comment by: <i>BMVBS - Federal Ministry of Transport, Building and</i>

	<i>Urban Development</i>
	Define " significant cases "
response	<i>Noted</i> Noted. The requirement was removed.
comment	3106 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i> What is "significant cases"? Too vague and will lead to confusion and differences.
response	<i>Noted</i> Noted. The requirement was removed.
comment	3227 comment by: <i>London Biggin Hill Airport</i> ADR.AR.A.020 What is the meaning of the word significant in this context, requires defining.
response	<i>Noted</i> Noted. The requirement was removed.
comment	3293 comment by: <i>Southampton Airport</i> What is meant by "significant"? We would support criteria or brief description.
response	<i>Noted</i> Noted. The requirement was removed.
comment	3455 comment by: <i>Fraport AG</i> ADR.AR.A.020 - Notification of cases of equivalent level of safety and special conditions Question The competent authority shall notify the Agency of all significant cases of equivalent level of safety or special conditions contained in a certification basis. Fraport AG: Specify "significant cases"!
response	<i>Noted</i> Noted. The requirement was removed.

ANNEX I - Part AR - ADR.AR.A.025 – Information to the Agency

p. 17

comment	<p>65 comment by: CAA Norway</p> <p>ADR.AR.A.025 (b) on page 17 is already regulated in EC 1330/2007. Please delete from here.</p>
response	<p><i>Not accepted</i></p> <p>No agreed. Regulation 1330/2007 is about the access of interested parties to the European Repository of Occurrences. EASA is not such an interested party and has access to the database. However, with the proposed rule the Agency wishes not to have the occurrence reports themselves, but rather the analysis done in States on the basis of national occurrence data so that we are in a position to act on that "safety-significant" information that States have distilled from their respective national data bases. This would appear to have nothing to do with reporting "raw" unanalysed data into the ECR. EASA finds this rule very necessary also to obtain input into the actions taken by Member States upon safety issued identified and prioritised by the EASp. Furthermore, EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.</p>
comment	<p>275 comment by: CAA Austria - Ministry of Transport</p> <p>b) The article requires the competent authority to notify all safety-significant information to EASA. What is meant by safety-significant ? Also missing a time frame, as stated in (a)</p>
response	<p><i>Noted</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>"analysis done in States on the basis of national occurrence data so that we are in a position to act on that "safety-significant" information that States have distilled from their respective national data bases. This would appear to have nothing to do with reporting "raw" unanalysed data into the ECR. EASA finds this rule very necessary also to obtain input into the actions taken by Member States upon safety issued identified and prioritised by the EASp. Furthermore, EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.</p> <p>"timeframe". Not agreed. "without undue delay" is a commonly used expression serving as a timeframe. As soon as possible can be its interpretation.</p> </div>
comment	<p>330 comment by: Danish Transport Authority</p> <p>(b) Would be covered in other EC regulation, Directive 2003/42/EC, EC 1321/2007 and EC 1321/2007. Use of "occurrence reports" relates to above mentioned regulation. Safety reporting through the aerodromes own reporting system (SMS) could be a subject. But the occurrence</p>

	<p>reporting system have listed subjects but should not be limited by it. It should be defined and clarified what safety-significant information relates to.</p>
response	<p><i>Accepted</i></p> <p>Agreed. EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.</p>
comment	<p>435 comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i></p> <p>Comment to a) The wording „... in case of any problems...” is not clear. It would be better, if EASA is to be informed only in the case of problems, which can have or have a direct influence on safety within the range of aviation.</p> <p>Therefore (a) should be ammended as “...in case of any significant safety related problems”</p> <p>Comment to b) Define "safety - significant"</p>
response	<p><i>Accepted</i></p> <p>Comment to a) Noted. The requirement is to inform EASA, as EASA will need to improve the rules, if appropriate. This is not about problems related to safety but general problems encountered when implementing the rules.</p> <p>Comment to b) Agreed. Regulation 1330/2007 is about the access of interested parties to the European Repository of Occurrences. EASA is not such an interested party and has acces to the database. However, with the proposed rule the Agency wishes not to have the occurrence reports themselves, but rather the analysis done in States on the basis of national occurrence data so that we are in a position to act on that “safety-significant” information that States have distilled from their respective national data bases. This would appear to have nothing to do with reporting “raw” unanalysed data into the ECR. EASA finds this rule very necessary also to obtain input into the actions taken by Member States upon safety issued identified and prioritised by the EASp.</p> <p>Furthermore, EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.</p>
comment	<p>727 comment by: <i>Finnish Transport Safety Agency</i></p> <p>ADR.AR.A.025 (b) on page 17 is already regulated in EC 1330/2007. Please delete from here.</p>

response	<p><i>Not accepted</i></p> <p>Not agreed. Regulation 1330/2007 is about the access of interested parties to the European Repository of Occurrences. EASA is not such an interested party and has access to the database. However, with the proposed rule the Agency wishes not to have the occurrence reports themselves, but rather the analysis done in States on the basis of national occurrence data so that we are in a position to act on that "safety-significant" information that States have distilled from their respective national data bases. This would appear to have nothing to do with reporting "raw" unanalysed data into the ECR. EASA finds this rule very necessary also to obtain input into the actions taken by Member States upon safety issues identified and prioritised by the EASp. Furthermore, EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.</p>
comment	<p>805 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>Informationen an die EASA haben in einem föderalen Staat grundsätzlich nicht durch die zuständigen Luftfahrtbehörden, sondern durch den Mitgliedsstaat zu erfolgen. Ersetze "competent authority" durch "member state" in ADR.AR.A.25.</p> <p><i>Only "member states" have the obligation to inform the Agency in a federal state system. This is not a task of the competent authorities. Change "competent authority" in "member state" in ADR.AR.A.25.</i></p>
response	<p><i>Not accepted</i></p> <p>Not agreed. According to Art. 3 of the regulation (which itself will be somewhat revised) it is said that Member States shall designate competent authorities. Once the Member State has done this the authority requirements apply to those authorities. For most of the 31 Member States it is more complicated to transmit problems via the central government regardless if this is federally or otherwise organised.</p>
comment	<p>806 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>Formulierung in ADR.A.025 "...in case of any problems..." ist nicht eindeutig. Besser wäre es, wenn EASA nur dann zu informieren ist, wenn es sich um Probleme handelt, die direkten Einfluss auf die Sicherheit im Bereich der Luftfahrt haben oder haben können.</p> <p><i>The sentence " ... in case of any problems..." in ADR.A.025 is not clear. It would be better, if EASA is to be informed only in the case of problems, which can have or have a direct influence on safety within the range of aviation.</i></p>
response	<p><i>Noted</i></p> <p>Noted. The requirement is to inform EASA, as EASA will need to improve the rules, if appropriate. This is not about problems related to safety but general problems encountered when implementing the rules.</p>

comment	918	comment by: <i>Gatwick Airport Ltd</i>
response	<i>Noted</i>	
comment	1324	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	<p>1. When is an occurrence report/information stemming from reports safety-significant in the view of EASA? Need for a definition of "safety-significant".</p> <p>2. The crucial terms of this article are not clear ("any problems with", "safety-significant"), please revise/clarify requirement.</p>	
response	<p><i>Accepted</i></p> <p>"define safety significant": Agreed. Regulation 1330/2007 is about the access of interested parties to the European Repository of Occurrences. EASA is not such an interested party and has access to the database. However, with the proposed rule the Agency wishes not to have the occurrence reports themselves, but rather the analysis done in States on the basis of national occurrence data so that we are in a position to act on that "safety-significant" information that States have distilled from their respective national data bases. This would appear to have nothing to do with reporting "raw" unanalysed data into the ECR. EASA finds this rule very necessary also to obtain input into the actions taken by Member States upon safety issued identified and prioritised by the EASp. Furthermore, EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.</p> <p>"any problems: Noted The requirement is to inform EASA, as EASA will need to improve the rules, if appropriate. This is not about problems related to safety but general problems encountered when implementing the rules.</p>	
comment	1645	comment by: <i>Swedish Transport Agency</i>
	ADR.AR.A.025 (b) on page 17 is already regulated in EC 1330/2007. Please delete from here.	
response	<p><i>Not accepted</i></p> <p>No agreed. Regulation 1330/2007 is about the access of interested parties to the European Repository of Occurrences. EASA is not such an interested party and has access to the database. However, with the proposed rule the Agency wishes not to have the occurrence reports themselves, but rather the analysis done in States on the basis of national occurrence data so that we are in a position to act on that "safety-significant" information that States have distilled from their respective national data bases. This would appear to have nothing to do with reporting "raw" unanalysed data into the ECR. EASA finds this rule very necessary also to obtain input into the</p>	

actions taken by Member States upon safety issued identified and prioritised by the EASp.
Furthermore, EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.

comment 1704 comment by: ECA - European Cockpit Association

Add as follows:

(a) The competent authority shall without undue delay notify the Agency, **pilots' associations and relevant providers of apron management services** in case of any problems with the implementation of Regulation (EC) No 216/2008 and its Implementing Rules.

(b) The competent authority shall provide the Agency, **pilots' associations and relevant providers of apron management services** with safety-significant information stemming from the occurrence reports it has received.

Justification:

Local pilots' associations and providers of apron management have to be informed about any cases where there are problems any problems with the implementation of Regulation (EC) No 216/2008 and its Implementing Rules and have to be supplied with safety-significant information. This is of outmost importance for their daily work and needed to guarantee the highest possible level of safety.

response *Not accepted*

Not agreed.

The safety significant information is about sharing the analysis of occurrences for example. Local pilots should be on the runway safety committees of the airports and give and receive inputs from the airport operator there.

comment 1750 comment by: UK CAA

Page No: 17

Paragraph No: ADR.AR.A.025 (a)

Comment: The requirement to notify in case of **any** problems is too wide.

Justification: Consistency with requirements already agreed for Aircrew and Operations Authority Requirements – see ARA.GEN.125 (a) and ARO.GEN.125 (a).

Proposed Text: "(a) The competent authority.....notify the Agency in case of any **significant** problems...."

response *Accepted*

Agreed.

The rule was made consistent with Reg. 290/2012. Resulting text would be:

ADR.AR.A.025 – Information to the Agency

The competent authority shall without undue delay notify the Agency in case of any significant problems with the implementation of Regulation (EC) No 216/2008 and its Implementing Rules.

comment	1789	comment by: <i>Geneva International Airport (ROMIG)</i>
	The article requires the competent authority to notify all "safety-significant information" to EASA. What is meant by " safety-significant"? The term "safety-significant" should be qualified.	
response	<i>Accepted</i>	
	"define safety significant": Agreed. Regulation 1330/2007 is about the access of interested parties to the European Repository of Occurrences. EASA is not such an interested party and has access to the database. However, with the proposed rule the Agency wishes not to have the occurrence reports themselves, but rather the analysis done in States on the basis of national occurrence data so that we are in a position to act on that "safety-significant" information that States have distilled from their respective national data bases. This would appear to have nothing to do with reporting "raw" unanalysed data into the ECR. EASA finds this rule very necessary also to obtain input into the actions taken by Member States upon safety issues identified and prioritised by the EASp. Furthermore, EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.	
comment	2061	comment by: <i>Ministry of Infrastructure and Agriculture of Brandenburg</i>
	Definition of „safety-significant“	
response	<i>Accepted</i>	
	Agreed. EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.	
comment	2107	comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i>
	Define " safety-significant information ".	
response	<i>Accepted</i>	
	Agreed. EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.	
comment	3061	comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i>
	Define " safety-significant information ".	
response	<i>Accepted</i>	

Agreed.
EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.

comment 3107 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
This article is not clear ("any problems with", "safety-significant")???
Revise and clarify.

response *Accepted*
"define safety significant":
Agreed.
Regulation 1330/2007 is about the access of interested parties to the European Repository of Occurrences. EASA is not such an interested party and has access to the database. However, with the proposed rule the Agency wishes not to have the occurrence reports themselves, but rather the analysis done in States on the basis of national occurrence data so that we are in a position to act on that "safety-significant" information that States have distilled from their respective national data bases. This would appear to have nothing to do with reporting "raw" unanalysed data into the ECR. EASA finds this rule very necessary also to obtain input into the actions taken by Member States upon safety issues identified and prioritised by the EASp.
Furthermore, EASA provides a GM to this now. GM-ADR.AR.025(b) to clarify what safety information means.

"any problems":
Noted
The requirement is to inform EASA, as EASA will need to improve the rules, if appropriate. This is not about problems related to safety but general problems encountered when implementing the rules.

ANNEX I - Part-AR - ADR.AR.A.030 – Immediate reaction to a safety problem

p. 17-18

comment 331 comment by: *Danish Transport Authority*
(d) The notification should always be forwarded to the aerodrome operator AND if appropriate to the provider of Apron management service. AMC1-ADR.AR.A.030 (d) should be deleted.

response *Not accepted*
Not agreed.
This current wording is in line with the relevant rule in Regulation 290/2012, i.e. ARA.GEN.135 Immediate reaction to a safety problem. The combination of the rule and the AMC fulfil the same purpose as the suggested change. So we prefer to have no change.

comment 436 comment by: *MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen*
Comment to a)

Generally the draft version should only define the objective to be achieved, but not the process how to achieve this objective.

Therefore a) should be ammended as "... the competent authority shall ensure to appropriately collect, analyse and disseminate safety information"

Comment to d)

This seems to jeopardize the very idea of EASA being a single point of contact for safety issues. As it is the purpose of the BR to ensure a high and uniform level of safety within Europe and EASA has been set up to oversee this process, the task of informing other Member States should be solely concentrated on the Agency.

response *Not accepted*

To a):

Not agreed.

The word "system" does not imply or impose the setting up of new procedure to collect, analyse and disseminate safety information. It can mean that the current system may fulfil that purpose. This is the way we suggest that throughout this annex the word system or procedure should be read. The word system means more "systematic approach" and "systematic treatment" of safety information to collect, analyse and disseminate safety information.

To d):

Not agreed.

This rule is the same as ARA.GEN.135 (d). We do not intend to change it. Passing this information through the Agency could induce unnecessary delays. This must be avoided, therefore this formulation and channel was chosen.

comment

810

comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

In einem föderalen Staat ist es grundsätzlich nicht Aufgabe der zuständigen Luftfahrtbehörden, sondern Aufgabe des Mitgliedsstaates, ein Sicherheitsinformationssystem aufzubauen. Aufgabe der zuständigen Luftfahrtbehörden ist es lediglich, relevante Daten standardisiert zu erfassen und diese in das zentrale nationale System einzupflegen.

Ersetze "competent authority" durch "member state" in ADR.AR.A.30(a) und ADR.AR.A.30(c).

In federal state systems only the "member state" has the obligation to implement a "Safety-Information-System". This is not a task of the competent authorities. The only task of the responsible competent authorities is to collect relevant data in a standardised form and to enter this data into the central national "safety-Information-System".

Change "competent authority" in "member state" in ADR.AR.A.30(a) and ADR.AR.A.30(c).

response

Not accepted

Not agreed.

As per the re-drafted Article 3 of the draft Regulation, the Federal level of the Member State Germany could make the responsibility for the fulfilment of this Implementing rule (ADR.AR.A.030) a shared responsibility between its Länder competent authorities and itself. EASA cannot capture all the possible division of tasks between the different authorities inside one member state. Therefore EASA has decided to keep this addressed to the competent authority or even authorities as the case may be.

Furthermore, it must be pointed out to this comment, that EU law (in terms of the basic regulation and its implementing regulations) is primary and replaces the national law wherever the same subject matter is being regulated. So if the current set up in the federal system can fulfil the objectives of the respective EU legislation it can be maintained; however, if the said arrangements run counter the objectives, it is the federal arrangements that may have to be rearranged.

So the question posed here should be really addressed to the Federal Government of Germany, who has to answer on how it foresees to make internal arrangements on how to fulfil the coming EU law.

comment	811 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i>
	Um die Forderungen aus ADR.AR.A.030(d) erfüllen zu können, muss ein abgestimmtes "Informationssystem" sowohl auf nationaler Ebene als auch auf europäischer Ebene installiert werden.
	<i>To fulfil the rules of ADR.AR.A.030(d) there have to be a "Reporting-System" installed both on national and on more european level.</i>
response	<i>Not accepted</i>
	Not agreed. The upstream of safety information from the organisations to the competent authorities in the Member States cannot be replaced by a European wide reporting system as of yet.
comment	920 comment by: <i>Gatwick Airport Ltd</i>
response	<i>Noted</i>
comment	1326 comment by: <i>Federal Office of Civil Aviation FOCA</i>
	ADR.AR.A.030 d: Notification to other Member States is not a responsibility / task of competent authority. Coordination effort shall be provided by EASA.
response	<i>Not accepted</i>
	Not agreed. This rule is the same as ARA.GEN.135 (d). We do not intend to change it. Passing this information through the Agency could induce unnecessary delays. This must be avoided, therefore this formulation and channel was chosen.

comment	<p>1530 comment by: <i>London Luton Airport Operations Ltd</i></p> <p>(d) this principle is supported where it leads to dialogue and collaboration to manage the standards of safety.</p>
response	<p><i>Noted</i></p> <p>Noted.</p>
comment	<p>1705 comment by: <i>ECA - European Cockpit Association</i></p> <p>Change (d) as follows: (d) Measures taken under (c) shall immediately be notified to the aerodrome operators, the local pilots' association and or providers of apron management services which need to comply with them under Regulation (EC) No 216/2008 and its Implementing Rules. The competent authority shall also notify those measures to the Agency and, when combined action is required, the other Member States concerned.</p> <p>Justification: In order to enable immediate evaluation and to provide information to their members if necessary about any safety problems at an airport, local pilots' associations should also be provided with all relevant information. Local pilots' associations should like aerodrome operators be explicitly mentioned to ensure the access to necessary information in all NAAs of the Member States.</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. The safety significant information is about sharing the analysis of occurrences for example. Local pilots should be on the runway safety committees of the airports and give and receive inputs from the airport operator there.</p>
comment	<p>1752 comment by: <i>UK CAA</i></p> <p>Page No: 17-18</p> <p>Paragraph No: ADR.AR.A.030 (b)</p> <p>Comment: The requirement to analyse any safety information is too wide</p> <p>Justification: Consistency with requirements already agreed for Aircrew and Operations Authority Requirements – see ARA.GEN.125 (a) and ARO.GEN.125 (a).</p> <p>Proposed Text: “(b) The Agency shall implement a system to appropriately analyse any relevant safety information...”</p>
response	<p><i>Accepted</i></p> <p>Agreed. To be brought in line with 290/2012. Resulting text;</p>

(a) The Agency shall implement a system to appropriately analyse any relevant safety information (...)

comment

1754

comment by: UK CAA

Page No: 17-18**Paragraph No:** ADR.AR.A.030 (c)

Comment: The requirements in ADR.AR.A.025 exactly repeat the equivalent requirements in IRs already agreed for Aircrew and Operations, namely ARA.GEN.135 and ARO.GEN.135, except for the addition in (c) of the words "including the issue of safety directives in accordance with ADR.AR.A.040" This difference should be justified or resolved.

Justification: The UK CAA considers that identical provisions should be used in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified. Moreover, the existence of a requirement in one area and not in another suggests a difference of intent. In this instance a requirement to issue safety directives here, where there is no similar requirement in the aircrew and operations field, calls into question whether competent authorities wishing to take adequate measures to address safety problems in those other areas, are prevented from issuing safety directives. If this is true, but the use of safety directives is considered to be a useful tool for competent authorities, action should be taken to amend the requirements in ARA.GEN.135 and ARO.GEN.135 at the earliest opportunity.

The UK CAA also notes that the flexibility provisions of Article 14 of the EASA Basic Regulation have provided at 14.1 that a Member State can react immediately to a safety problem and wonders whether there is an implication that this provision has not been thought sufficient until now to allow the use of safety directives.

response

Noted

Noted.

This text does not affect the competencies of the competent authorities in the domains mentioned in the comments because this is stand-alone regulation. Therefore, interpretation of the other regulations mentioned should not be done through the prism of this draft regulation.

In addition, similar text to the safety directives mentioned here for aerodromes are included in the relevant rules on airworthiness (regulation 2042/2003) and are called "airworthiness directives and operational directives".

comment

2063

comment by: *Ministry of Infrastructure and Agriculture of Brandenburg*

The single point of contact should be EASA

response

Not accepted

Not agreed.

This rule is the same as ARA.GEN.135 (d). We do not intend to change it. Passing this information through the Agency could induce unnecessary

delays. This must be avoided, therefore this formulation and channel was chosen. The upstream of safety information from the organisations to the competent authorities in the Member States cannot be replaced by a European wide reporting system as of yet.

comment 2108 comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

Para d): This seems to jeopardize the very idea of EASA being a single point of contact for safety issues. As it is the purpose of the BR to ensure a high and uniform level of safety within Europe and EASA has been set up to oversee this process, the task of informing other Member States should be solely concentrated on the Agency.

response *Not accepted*

Not agreed.
This rule is the same as ARA.GEN.135 (d). We do not intend to change it. Passing this information through the Agency could induce unnecessary delays. This must be avoided, therefore this formulation and channel was chosen. The upstream of safety information from the organisations to the competent authorities in the Member States cannot be replaced by a European wide reporting system as of yet.

comment 3064 comment by: *BMVBS - Federal Ministry of Transport, Building and Urban Development*

Para d): This seems to jeopardize the very idea of EASA being a single point of contact for safety issues. As it is the purpose of the BR to ensure a high and uniform level of safety within Europe and EASA has been set up to oversee this process, the task of informing other Member States should be solely concentrated on the Agency.

response *Not accepted*

Not agreed.
This rule is the same as ARA.GEN.135 (d). We do not intend to change it. Passing this information through the Agency could induce unnecessary delays. This must be avoided, therefore this formulation and channel was chosen. The upstream of safety information from the organisations to the competent authorities in the Member States cannot be replaced by a European wide reporting system as of yet.

ANNEX I - Part-AR - ADR.AR.A.040 – Safety directives

p. 18-19

comment 66 comment by: *CAA Norway*

In ADR.AR.A.040 (c) on page 18 we suggest to refer to the GM1-ADR.AR.A.040 (or AMC if changed into AMC) to show which 5 types of safety directives are needed to be forwarded to the Agency.

response *Noted*

Noted.

Please understand that for legal reasons it is not done to refer in an IR to AMC or GM. It would make these non-binding rules binding, if it was done.

comment 148 comment by: *Icelandic Civil Aviation Administration*
 In ADR.AR.A.040 (c) on page 18 we suggest to refer to the GM1-ADR.AR.A.040 (or AMC if changed into AMC) to show which 5 types of safety directives are needed to be forwarded to the Agency.

response *Noted*
 Noted.
 Please understand that for legal reasons it is not done to refer in an IR to AMC or GM. It would make these non-binding rules binding, if it was done.

comment 384 comment by: *CAA Austria - Ministry of Transport*
 c) Article c has to be to be clarified.
 The reason is not clear why all directives have to be sent to the Agency. Unsafe acitions or conditions requiring immediate action but not all immediate actions of the competent authority are saftey relevant for other competent authorities

response *Noted*
 Noted.
 Please look at **GM1-ADR.AR.A.040 – Safety Directives FORWARDING OF SAFETY DIRECTIVES**

comment 728 comment by: *Finnish Transport Safety Agency*
 In ADR.AR.A.040 (c) on page 18 we suggest to refer to the GM1-ADR.AR.A.040 (or AMC if changed into AMC) to show which 5 types of safety directives are needed to be forwarded to the Agency.

response *Noted*
 Noted.
 Please understand that for legal reasons it is not done to refer in an IR to AMC or GM. It would make these non-binding rules binding, if it was done.

comment 817 comment by: *Bezirksregierung Düsseldorf / Luftverkehr*
Bezug ADR.AR.A.040(c): Der Erlass von Sicherheitsrichtlinien (saftey directive) sowie die Weitergabe von Kopien der Sicherheitsrichtlinien (saftey directive) sind in einem föderalen Staat primäre Aufgabe des Mitgliedsstaates und nicht der jeweils zuständigen Luftfahrtbehörden.

Ref. ADR.AR.A.040(c): The decree of "safety directives" and the forwarding of copies to the Agency is a primarily task of the member state in a federal state system and not a task of the competent authorities.

response *Not accepted*
 Not agreed.

As per the re-drafted Article 3 of the draft Regulation, the Federal level of the Member State Germany could make the responsibility for the fulfilment of this Implementing rule (ADR.AR.A.040) a shared responsibility between its Länder competent authorities and itself. EASA cannot capture all the possible division of tasks between the different authorities inside one member state. Therefore EASA has decided to keep this addressed to the competent authority or even authorities as the case may be.

Furthermore, it must be pointed out to this comment, that EU law (in terms of the basic regulation and its implementing regulations) is primary and replaces the national law wherever the same subject matter is being regulated. So if the current set up in the federal system can fulfil the objectives of the respective EU legislation it can be maintained; however, if the said arrangements run counter the objectives, it is the federal arrangements that may have to be rearranged.

So the question posed here should be really addressed to the Federal Government of Germany, who has to answer on how it foresees to make internal arrangements on how to fulfil the coming EU law.

comment	828 comment by: <i>DGAC Direction Générale de l'aviation civile</i>
	<p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.A.040 — Safety Directives (p18) <p><u>2. Justification and proposed text / comment</u></p> <p>Paragraph (c) is not consistent with the content of GM1-ADR.AR.A.040 on safety directives, which states that the copy of the safety directives should be sent to EASA in some cases, but not always. It is consequently proposed to modify (c) as follows: <i>"(c) The competent authority shall forward a copy of the safety directive to the Agency, if relevant."</i></p>
response	<i>Not accepted</i>
	<p>Not agreed.</p> <p>A GM always helps to further define what was meant by the rule. The words "if relevant" would be redundant. The Competent authority always has a degree of discretion based on its expert judgment. It is not necessary to seemingly grant it this discretion <i>expressis verbis</i> with the words suggested here. Furthermore, the words "if relevant" would pose the questions on what is relevant, while the GM gives appropriate examples</p>
comment	921 comment by: <i>Gatwick Airport Ltd</i>
response	<i>Noted</i>
comment	1327 comment by: <i>Federal Office of Civil Aviation FOCA</i>
	ADR.AR.A.040 c: The reason is not clear why all directives have to be sent

	to the Agency. Requirement to be removed or to be clarified.
response	<p><i>Noted</i></p> <p>Noted. Please look at GM1-ADR.AR.A.040 – Safety Directives FORWARDING OF SAFETY DIRECTIVES</p>
comment	<p>1534 <i>comment by: London Luton Airport Operations Ltd</i></p> <p>(a) "requiring immediate action" needs clarity as (b) determines a safety directive shall be forwarded. Is there a proposed scale of conditions or actions which need to be taken in a determined time? Is this process designed to cover an unsafe action which needs to STOP, there and then. (b) (4) indicates a time will be allocated by the competent authority so what does immediate mean?</p>
response	<p><i>Noted</i></p> <p>Noted. Please understand that the rule ADR.AR.A.040 relates to the previous rule ADR.AR.A.030 (c), where the safety directive is introduced as a possible measure to address a safety problem. The date of entry into force of a safety directive may differ, from immediately (same day to some later time); it is not possible to enumerate all possible scenarios in the rule or GM. Also it is the case that certain actions cannot be done overnight so it would be appropriate for the Competent Authority to define a timeframe. In the meantime it may place conditions on the operations.</p>
comment	<p>1647 <i>comment by: Swedish Transport Agency</i></p> <p>In ADR.AR.A.040 (c) on page 18 we suggest to refer to the GM1-ADR.AR.A.040 (or AMC if changed into AMC) to show which 5 types of safety directives are needed to be forwarded to the Agency.</p>
response	<p><i>Noted</i></p> <p>Noted. Please understand that for legal reasons it is not done to refer in an IR to AMC or GM. It would make these non-binding rules binding, if it was done.</p>
comment	<p>1706 <i>comment by: ECA - European Cockpit Association</i></p> <p>Change as follows: (b) A safety directive shall be forwarded to the aerodrome operators, <u>local pilots' associations</u> and providers of apron management services concerned, as appropriate <u>and as defined by AMC1-ADR.AR.A.030(d)</u>, and shall contain, as a minimum, the following information:</p> <p>Justification: Local pilots' associations also have to be informed about any measure taken related to the existence of an unsafe condition requiring immediate action.</p> <p>The second proposed change re states the requirement for the aerodrome operator to be notified for an action on an apron management service</p>

	provider.
response	<p><i>Partially accepted</i></p> <p>Not agreed. It is not for the competent authority to give out this information to any interested parties and aerodrome users.</p> <p>Second proposal: Agreed.</p>
comment	<p>1755 comment by: UK CAA</p> <p>Page No: 18</p> <p>Paragraph No: ADR.AR.A.040</p> <p>Comment: As noted in the comment on ADR.AR.A.025(c) the requirement to issue safety directives is a new provision not used in the authority requirements already agreed for Aircrew and Operations. This difference should be justified or resolved.</p> <p>Justification: The UK CAA supports using consistent provisions in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified. In this instance a requirement to issue safety directives here, where there is no similar requirement in the aircrew and operations field, calls into question whether competent authorities wishing to take adequate measures to address safety problems in those other areas, are prevented from issuing safety directives. If this is true, but the use of safety directives is considered to be a useful tool for competent authorities, action should be taken to amend the requirements in ARA.GEN.135 and ARO.GEN.135 at the earliest opportunity.</p> <p>The UK CAA also notes that the flexibility provisions of Article 14 of the EASA Basic Regulation have provided at 14.1 that a Member State can react immediately to a safety problem and wonders whether there is an implication that this provision has not been thought sufficient until now to allow the use of safety directives. What is the relationship with Article 14.1?</p>
response	<p><i>Not accepted</i></p> <p>The rules for aerodromes cannot only be compared to the rules for Aircrew and air operations as the airport as it includes rule for the hardware that is operated by the AO. Here the basis of comparison is therefore the rules for initial and continuing airworthiness which include the possibility of the issuance of Airworthiness Directives to the type certification holder (21A.3B Airworthiness Directives of Part 21 Regulation 748/2012). The safety directive rule was developed in analogy to this rule, as the aerodrome operator is in a sense the type certificate holder of the airport and if there is an unsafe condition of an element included in the Certification Basis of the aerodrome, this unsafe condition is to be notified to the aerodrome operator by the CA and then taken care of by the aerodrome operator or provider of apron management services, as the</p>

	case may be.
comment	<p>2064 comment by: <i>Ministry of Infrastructure and Agriculture of Brandenburg</i></p> <p>EASA can not really wish to receive copies of all administrative orders based on immediate actions. There should be a threshold to avoid reporting banalities.</p>
response	<p><i>Noted</i></p> <p>Noted. Please look at GM1-ADR.AR.A.040 – Safety Directives FORWARDING OF SAFETY DIRECTIVES</p>
comment	<p>2109 comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i></p> <p>Para c): It is not clear why EASA wishes to receive copies of all administrative orders basing on immediate actions. A threshold should be defined for the reporting task referring to the level of the safety problem. For instance, the removing of a lost object from a runway would require immediate action but might not be a case that EASA has in mind.</p>
response	<p><i>Noted</i></p> <p>Noted. Please look at GM1-ADR.AR.A.040 – Safety Directives FORWARDING OF SAFETY DIRECTIVES</p>
comment	<p>2256 comment by: <i>Luftfahrtbehörde Schleswig-Holstein</i></p> <p>In paragraph (c) the competent authority is obliged to inform EASA of every safety directive concerning an unsafe condition requiring immediate action and even to forward a copy of this directive. This seems to be an unnecessary administrative burden. It is not clear how these copies could increase safety. We suggest to define a threshold so that information and forwarding copies will only be necessary in significant cases.</p>
response	<p><i>Noted</i></p> <p>Noted. Please look at GM1-ADR.AR.A.040 – Safety Directives FORWARDING OF SAFETY DIRECTIVES</p>
comment	<p>3065 comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i></p> <p>Para c): It is not clear why EASA wishes to receive copies of all administrative orders basing on immediate actions. A threshold should be defined for the reporting task referring to the level of the safety problem. For instance, the removing of a lost object from a runway would require immediate action but might not be a case that EASA has in mind.</p>
response	<p><i>Noted</i></p>

Noted.
Please look at **GM1-ADR.AR.A.040 – Safety Directives FORWARDING OF SAFETY DIRECTIVES**

ANNEX I - Part-AR - ADR.AR.B.005 – Management system REV

p. 20

comment	67	comment by: CAA Norway
	ADR.AR.B.005 (a) (2) on page 20: This is a part of the management system, not necessary to require another system here. We suggest rewording: " The management system shall contain means to plan the... "	
response	<i>Partially accepted</i>	
	The text was not changed, so as not to lose close similarity to the already existing OPS rules in 290/2012. However, there is ample guidance material that describes what the system would ideally look like. We believe that it not necessary to make it explicit that the system mentioned here may be the already existing resource management system in place.	
comment	68	comment by: CAA Norway
	ADR.AR.B.005 (a) (5) on page 20: A group of persons is not acceptable. The function has to have one person responsible.	
response	<i>Not accepted</i>	
	The Agency believes that the compliance monitoring function inside the competent authorities can be fulfilled by either a person <u>or</u> a group of persons. The same rule can be found in Regulation 290/2012. For example the compliance monitoring is part of a ISO 9001 certification, so the unit in charge inside the competent authority ensuring the fulfilment of the requirements of ISO 9001 for Quality Management could also do the compliance monitoring regarding the European requirements for authorities. Last but not least, please understand that this offers flexibility for those authorities that want a group, but it allows those that want one person to fulfil that function can retain that system.	
comment	69	comment by: CAA Norway
	We do not agree in ADR.AR.B.005 (d) on page 20 if "made available" means _____ to _____ send/submit. If it means to keep documented and available for inspections that would be _____ acceptable. Please _____ clarify _____ this. We suggest to replace the word "made" with the word " kept ".	
response	<i>Partially accepted</i>	
	Indeed "made available" should be interpreted as "kept" and send to EASA for standardisation purposes upon request.	
comment	149	comment by: Icelandic Civil Aviation Administration

	ADR.AR.B.005 (a) (2) on page 20: This is a part of the management system, not necessary to require another system here. We suggest rewording (instead of "A system shall be in place...": "The management system shall contain means to plan the..."
response	<i>Partially accepted</i> The text was not changed, so as not to lose close similarity to the already existing OPS rules in 290/2012. However, there is ample guidance material that describes what the system would ideally look like. We believe that it not necessary to make it explicit that the system mentioned here may be the already existing resource management system in place.
comment	150 <i>comment by: Icelandic Civil Aviation Administration</i> ADR.AR.B.005 (a) (5) on page 20: A group of persons is not acceptable. The function has to have one person responsible.
response	<i>Not accepted</i> The Agency believes that the compliance monitoring function inside the competent authorities can be fulfilled by either a person <u>or</u> a group of persons. The same rule can be found in Regulation 290/2012. For example the compliance monitoring is part of a ISO 9001 certification, so the unit in charge inside the competent authority ensuring the fulfilment of the requirements of ISO 9001 for Quality Management could also do the compliance monitoring regarding the European requirements for authorities. Last but not least, please understand that this offers flexibility for those authorities that want a group, but it allows those that want one person to fulfil that function can retain that system.
comment	151 <i>comment by: Icelandic Civil Aviation Administration</i> We do not agree in ADR.AR.B.005 (d) on page 20 if "made available" means to send/submit. If it means to keep documented and available for inspections that would be acceptable. Please clarify this. We suggest to replace the word "made" with the word "kept".
response	<i>Partially accepted</i> Indeed "made available" should be interpreted as "kept" and send to EASA for standardisation purposes upon request.
comment	286 <i>comment by: BAA Airside operations</i> ADR.AR.B.005 (a) (2) Move to GM - the second and third sentences are too detailed and should be moved to GM.
response	<i>Not accepted</i> This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR. However, it is not precluded that the current management system can provide the planning function for staff availability.

comment	332	comment by: <i>Danish Transport Authority</i>
	(a) (2) EDITORIAL: This is a part of the management system, not necessary to require another system here. We suggest rewording: "The management system shall contain means to plan the..."	
response	<i>Partially accepted</i>	
	The text was not changed, so as not to lose close similarity to the already existing OPS rules in 290/2012. However, there is ample guidance material that describes what the system would ideally look like. We believe that it not necessary to make it explicit that the system mentioned here may be the already existing resource management system in place.	
comment	333	comment by: <i>Danish Transport Authority</i>
	(a) (5) A group of persons is not acceptable. The function has to have one person responsible.	
response	<i>Not accepted</i>	
	The Agency believes that the compliance monitoring function inside the competent authorities can be fulfilled by either a person <u>or</u> a group of persons. The same rule can be found in Regulation 290/2012. For example the compliance monitoring is part of a ISO 9001 certification, so the unit in charge inside the competent authority ensuring the fulfilment of the requirements of ISO 9001 for Quality Management could also do the compliance monitoring regarding the European requirements for authorities. Last but not least, please understand that this offers flexibility for those authorities that want a group, but it allows those that want one person to fulfil that function can retain that system.	
comment	334	comment by: <i>Danish Transport Authority</i>
	(d) We suggest to replace the word "made" with the word "kept". It creates administration burdens for the competent authorities if the suggestion is to forward dokumentation to the Agency. Documentation can be kept available for Agency audits of the competent authority.	
response	<i>Partially accepted</i>	
	Indeed "made available" should be interpreted as "kept" and send to EASA for standardisation purposes upon request.	
comment	372	comment by: <i>Edinburgh Airport</i>
	ADR.AR.B.005 - Move to guidance material Justification - The second and third sentences are too detailed and should be moved to guidance material.	
response	<i>Not accepted</i>	
	This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR.	

However, it is not precluded that the current management system can provide the planning function for staff availability.

comment

437 comment by: *MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen*

The proposed rules on management stated in subpart B (ADR.AR.B) should be omitted due to their incompatibility with the fundamental EC/EU principles of subsidiary and proportionality (Art. 5 of the Treaty). Germany has long since established a specialised and experienced aviation administration based on detailed regulations concerning – inter alia – formal administrative procedures, organization of the competent authorities or allocation of tasks. Therefore the proposed rules collide with national provisions for an already existing and effective performing administrative system and are thus dispensable. In addition Art. 8a para. 5 of the Basic Regulation does in no way authorize the Commission to instruct Member States on how to manage their administrative entities in terms of organisation, equipment, personnel etc. With regard to the Member States' sovereignty and the above mentioned fundamental principles of EU Law we urgently recommend to (at least) consult the European Commission's legal service on this topic.

response

Noted

The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO annex 14. It also reflects what will become binding on states following the introduction of annex 19 into the ICAO list of annex.

comment

523

comment by: *Estonian CAA*

ADR.AR.B.005 (a) (2) on page 20: This is a part of the management system, not necessary to require another system here. We suggest rewording: "The management system shall contain means to plan the..."

response

Partially accepted

The text was not changed, so as not to lose close similarity to the already existing OPS rules in 290/2012. However, there is ample guidance material that describes what the system would ideally look like. We believe that it not necessary to make it explicit that the system mentioned here may be the already existing resource management system in place.

comment

525

comment by: *Estonian CAA*

ADR.AR.B.005 (a) (5) on page 20: A group of persons is not acceptable. The function has to have one person responsible.

response

Not accepted

The Agency believes that the compliance monitoring function inside the competent authorities can be fulfilled by either a person or a group of persons. The same rule can be found in Regulation 290/2012. For example the compliance monitoring is part of a ISO 9001 certification, so the unit in charge inside the competent authority ensuring the fulfilment of the

requirements of ISO 9001 for Quality Management could also do the compliance monitoring regarding the European requirements for authorities. Last but not least, please understand that this offers flexibility for those authorities that want a group, but it allows those that want one person to fulfil that function can retain that system.

comment 526 comment by: *Estonian CAA*

We do not agree in ADR.AR.B.005 (d) on page 20 if "made available" means to send/submit.
If it means to keep documented and available for inspections that would be acceptable. Please clarify this.
We suggest to replace the word "made" with the word "kept".

response *Partially accepted*

Indeed "made available" should be interpreted as "kept" and send to EASA for standardisation purposes upon request.

comment 590 comment by: *Bristol Airport - BRS/EGGD*

ADR.AR.B.005 (2)	Move to GM	The second and third sentences are too detailed and should be moved to Guidance Material.
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response *Not accepted*

This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR. However, it is not precluded that the current management system can provide the planning function for staff availability.

comment 730 comment by: *Finnish Transport Safety Agency*

ADR.AR.B.005 (a) (2) on page 20: This is a part of the management system, not necessary to require another system here. We suggest rewording: "The management system shall contain means to plan the..."

response *Partially accepted*

The text was not changed, so as not to lose close similarity to the already existing OPS rules in 290/2012. However, there is ample guidance material that describes what the system would ideally look like. We believe that it not necessary to make it explicit that the system mentioned here may be the already existing resource management system in place.

comment 731 comment by: *Finnish Transport Safety Agency*

ADR.AR.B.005 (a) (5) on page 20: A group of persons is not acceptable. The function has to have one person responsible.

response *Not accepted*

The Agency believes that the compliance monitoring function inside the competent authorities can be fulfilled by either a person or a group of persons. The same rule can be found in Regulation 290/2012. For example

the compliance monitoring is part of a ISO 9001 certification, so the unit in charge inside the competent authority ensuring the fulfilment of the requirements of ISO 9001 for Quality Management could also do the compliance monitoring regarding the European requirements for authorities. Last but not least, please understand that this offers flexibility for those authorities that want a group, but it allows those that want one person to fulfil that function can retain that system.

comment	732	comment by: <i>Finnish Transport Safety Agency</i>
	<p>We do not agree in ADR.AR.B.005 (d) on page 20 if "made available" means to send/submit. If it means to keep documented and available for inspections that would be acceptable. Please clarify this. We suggest to replace the word "made" with the word "kept".</p>	
response	<i>Partially accepted</i>	
	<p>Indeed "made available" should be interpreted as "kept" and send to EASA for standardisation purposes upon request.</p>	

comment	821	comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i>
	<p><u>Bezug ADR.AR.B.005(a)(1)</u>: An welcher Stelle in der "Basic Regulation" [VO (EU) 216/2008] wurde der EASA die Kompetenz zugesprochen, in einer derartig detaillierten Regelungstiefe in die Verwaltungs- und Organisationsstrukturen der Luftfahrtbehörden der Mitgliedsstaaten einzugreifen?</p> <p><u>Ref. ADR.AR.B.005(a)(1)</u>: <i>At which point in the "Basic Regulation" [(EC) No 216/2008] EASA was given the power to regulate the organizational structure of the competent authorities of the member states in such a high detailed sharpness?</i></p>	
response	<i>Noted</i>	
	<p>The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO annex 14. It also reflects what will become binding on states following the introduction of annex 19 into the ICAO list of annex.</p>	

comment	823	comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i>
	<p>ADR.AR.B.005(d) ist nicht erforderlich, da der Sachverhalt bereits in der "Basic Regulation" [VO (EG) 216/2008] in Artikel 24 und Artikel 54 geregelt wurde.</p> <p><i>ADR.AR.B.005(d) is not necessary because of Art. 24 and Art. 54 of the "Basic Regulation" [(EC) No. 216/2008].</i></p>	
response	<i>Not accepted</i>	
	<p>ADR.AR.B.005 (d) was also adopted in Regulation 290/2012, which is in</p>	

effect. This is about the preparation of standardisation visits and is not regulated by the BR Art. 24 or 54 in this detail. To ensure consistency and coherence throughout it was preferred to introduce this provision at the level of the ADR.AR implementing rules.

comment 922 comment by: *Gatwick Airport Ltd*
 (2) Move to GM, The second and third sentences are too detailed and should be moved to Guidance Material.

response *Not accepted*
 This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR. However, it is not precluded that the current management system can provide the planning function for staff availability.

comment 1008 ❖ comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- Draft Commission Regulation - Article 3 – Oversight capabilities - paragraph 1 (p10)
- ANNEX I – Part-AR - ADR.AR.B.005(c) – Management System (p20)
- ANNEX I - Part-AR - ADR.AR.C.065 – Obstacles-Objects (p30)
- ANNEX I - Part-AR - ADR-AR.C.070 – confusing, misleading and hazardous lights (p30)
- ANNEX I - Part-AR - ADR.AR.C.075 – Protection of communication, navigation and surveillance systems (p30-31)
- ANNEX I - Part-AR - ADR.AR.C.080 – Other activities (p31)
- ANNEX I - Part-AR - ADR.AR.C.065 – Obstacles-Objects (c) (p30)
- AMC/GM to ANNEX I – Part-AR – AMC1-ADR.AR.B.005(c) – Management System (p13)
- AMC-GM to Annex I – AMC2-ADR-AR.C.065 (b) – Obstacles – Objects – wind turbines (p51)
- AMC-GM to Annex I – AMC1-ADR-AR.C.070(a) – confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I – AMC2-ADR-AR.C.070(a) – Confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I – AMC1-ADR-AR.C.070(b) – Confusing, misleading and hazardous lights (p53)
- AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) – Obstacles – Objects (p38)
- AMC/GM to ANNEX I – Part-AR - AMC1-ADR-AR.C.060(b) – Wildlife hazard management – MITIGATING MEASURES (page 37)
- CS-ADR - Book 1 - CS-ADR-DSN.A.002 – Definitions – ‘clearway’ (p5)

2. Justification and proposed text / comment

This comment is linked with comment 789 in book II and comment 591 in book III

This comment is **critical** as the rules, as written presently, can not be applied in the French system, linked with the definition of “competent

authority" and its related obligations. This comment is linked to the issue on responsibility (see proposal for adding Article 2bis in the Cover regulation).

This comment aims to inform EASA on how the French DGAC understands the notion of "competent authority", and also to list the rules which can not be applied for such competent authority.

France understands the competent authority is the civil aviation authority in charge of the oversight of the aerodrome operator for the tasks mentioned in its aerodrome certificate.

To explain our comment: In France, there are regions, and representatives from the States in these regions ("préfet" in French). The local representative from the State has some responsibilities, particularly for land planning use. For example, this representative is competent on land use matters to apply the obstacle limitation surfaces and to edict rules on policy on aerodromes (e.g. defining the movement area or stating that people working on the aerodrome have to be trained). The "préfet" is not considered as a competent authority, as if he was, its services would have to respect all the rules which apply the competent authorities, in particular the obligation to have a SMS: this is not possible in the French system and it would be too complex, too expensive and not feasible considering the reduced resources.

This should be taken into account while writing the rules: it is proposed to clarify this point by distinguishing in the rules the "competent authorities" and the "other authorities". Moreover, security and local land use authorities are considered as "authorities" but shall not be "competent authorities" as requiring them to have a management system would be totally unfeasible.

However, coordination between these entities exists and can be made through several means. DGAC understands that coordination arrangements can be fulfilled by the mean of: protocols, legally defined coordination, or both entities being members of the government or the same State authorities.

DGAC France fully supports the use of the word "appropriate authority" in the definition of "clearway" in CS-ADR-DSN.A.002 (p5), which gives to France the flexibility we need.

It is proposed to clarify these points by:

- **modifying paragraph (c) of ADR.AR.B.005 as follows :**

"The competent authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance of other competent authorities/authorities of the Member State concerned.

- **replacing the 2 first sentences of AMC1-ADR.AR.B.005(c) by:**

« The coordination between the competent authority(ies) and the other authorities of the Member State should be formally documented, and should encompass, as deemed appropriate by the Member State, the following authorities :

*~~The competent authority should establish coordination arrangements with other **competent** authorities of the Member State. Such coordination arrangements should in particular include the following **competent** authorities ... »~~*

- **modifying the provisions on surroundings: ADR-AR.C.065, ADR-AR.C.070, ADR-AR.C.075, ADR-AR.C.080 and corresponding AMCs and GMs, and AMC1-ADR-AR.C.060(b) as proposed in specific DGAC's comments.**

response *Partially accepted*

On modifying ADR-AR.B.005 (c):
EASA has modified Art. 3 of the Regulation extensively to take account of this situation. We believe that with the designation of the Competent Authority in accordance with Art. 3 the situation will be clear. Other authorities may exist and the Competent Authority has to coordinate with them. Furthermore, other AR articles on Land use, obstacle control and other matters have been removed and suitable solutions for the respective Member State responsibilities have been found under the cover regulation. The modification concerning the AR article in question here are not necessary.

comment *1101* ❖ comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- ANNEX I - Part-AR - ADR-AR.A.015 (d) — Means of compliance (p16-17)
- ANNEX I - Part-AR - ADR-AR.B.005 (d) — Management system (p20)
- ANNEX I - Part-AR - ADR-AR.C.040(f) – Changes (26-27)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR-AR.B.005(d) — Management system (p13-14)
- AMC/GM to ANNEX I — Part-AR — AMC1 -ADR-AR.C.040(f) — Changes (p31-32)
- AMC/GM to ANNEX I — Part-AR — AMC3 -ADR-AR.C.040(a);(f) — Changes (p32-33)
- AMC/GM to ANNEX I — Part-AR - GM1-ADR-AR.C.035(a)(3) – Changes (p28)
- AMC/GM to ANNEX I — Part-AR - GM1-ADR-AR.C.040(c) – Changes (p33)
- ANNEX II - Part-OR – ADR-OR.B.040(a) – Changes (p41-42)
- AMC/GM to ANNEX II — Part-OR — AMC1-ADR-OR.B.040(a) — Changes (p60-61)

This comment is linked to comment 855 of book II (AMC/GM).

2. General comment

These paragraphs lead to many formal exchanges that are not always relevant and that considerably increase the administrative burden of:

- both the EASA and the competent authority for ADR-AR.A.015 (d), ADR-AR.B.005 (d) and the corresponding acceptable means of compliance and
- both the aerodrome operator and the competent authority for ADR-AR.C.040(f) and the corresponding acceptable means of compliance.

3. Justification and proposed text / comment

- Paragraph (d) of ADR.AR.A.015

Minor alternative AMC to the ones proposed by EASA may be accepted, due to local special constraints. In order to avoid administrative burden both for the EASA and the competent authority, it is proposed to only notify the "significant" alternative AMC, i.e. the ones which differs notably from the EASA's ones and the ones that will be applied on a national scale. Paragraph (d) of ADR.AR.A.015 requires notification of these alternatives AMC to all other Member States which amplifies considerably the aforementioned administrative burden, in particular for AMC that may not be usable or relevant for other aerodromes.

Paragraph (d) of ADR.AR.A.015 also implies that alternative AMC that could be possibly rejected by EASA will be notified to other Member States, without them knowing of the acceptability the alternative AMC. It is proposed to delete this requirement and let EASA informs all the Member States (for example, through a website) of the AMC that are deemed acceptable.

In order to limit the administrative burden to the most pertinent, DGAC proposes the following modifications of ADR.AR.A.015:

ADR.AR.A.015 – Means of compliance

" [...]

(d) [...] When the competent authority finds that the alternative means of compliance proposed by the aerodrome operator or the provider of apron management services are in accordance with the Implementing Rules, it shall without undue delay:

(1) notify the applicant that the alternative means of compliance may be implemented and, if applicable, amend the approval or certificate of the applicant accordingly;

(2) notify the Agency of their content of the significant ones, including copies of the relevant documentation;

~~*(3) inform other Member States about alternative means of compliance that were accepted.*~~

(e) [...] The competent authority shall provide the Agency with a full description of the significant alternative means of compliance, including any revisions to procedures that may be relevant, as well as an assessment demonstrating that the Implementing Rules are met. "

- Paragraph (d) of ADR.AR.B.005 and AMC1-ADR.AR.B.005 (d)

The adaptation of the procedures of the competent authority is a living and ongoing processes. In order to avoid administrative burden both for the competent authority and the EASA, DGAC proposes to only notify the most significant amendments of the procedures.

ADR.AR.B.005 – Management system

" [...]

(d) A copy of the procedures related to the management system and their significant amendments shall be made available to the Agency for the purpose of standardisation."

AMC1-ADR.AR.B.005 (d) – Management system

"PROCEDURES AVAILABLE TO THE AGENCY

(a) Copies of the procedures in the competent authority's management

system should be made available to the Agency for the purpose of standardisation. These should include ~~any~~ **significant** amendments to the procedures. The procedures should provide at least the following information:

[...]"

- Paragraph (f) of ADR.AR.C.040 and AMC1-ADR.AR.C.040(f)

The tasks allocated to the competent authority for "changes not requiring prior approval" are as high as for those requiring prior approval which is not pertinent.

Considering the numerous changes notified to the competent authority, this would lead to high workload incompatible with available resources.

Furthermore, since every change would be thoroughly examined by the competent authority and providing no comment would be considered as implied approval, this would remove responsibility for the change from the aerodrome operator to the competent authority.

This is a **critical** point for DGAC that proposes the following changes to deal with it:

ADR.AR.C.040 – Changes

"[...] (f) For changes not requiring prior approval, the competent authority shall assess the information provided in the notification sent by the aerodrome operator in accordance with ADR.OR.B.040 to verify compliance with the Certification Specifications **basis** ~~issued by the Agency and the applicable requirements, as appropriate.~~ In case of any non-compliance, the competent authority shall:

(1) notify the aerodrome operator about the non-compliance and request further changes; and

(2) in case of level 1 or level 2 findings, act in accordance with Article ADR.AR.C.055.

[...]"

AMC1 -ADR.AR.C.040(f) – Changes – page 31

"CHANGES NOT REQUIRING PRIOR APPROVAL

(a) Upon receiving a notification of a change that does not require a prior approval, the competent authority should:

(1) ~~assess the change in relation to~~ **is compliant with** the certification basis and the applicable requirements of Part ADR.OR, Part ADR.OPS, as well as any other applicable requirements;

(2) ~~assess if the aerodrome operator has identified all the certification specifications, applicable requirements of Part ADR.OR, Part ADR.OPS, or other applicable requirements which are related to or affected by the change, as well as any cases related to demonstration of an equivalent level of safety;~~

(3) ~~assess the actions proposed by the aerodrome operator in order to show compliance with (1) and (2) above;~~

(4) ~~review and assess the content of the changes to the aerodrome manual; and;~~

(5) ~~evaluate~~ **check that** the safety assessment ~~that has been submitted by the aerodrome operator, in accordance with AMC1-ADR.AR.C.035(b) and verify its compliance with ADR.OR.B.065~~ **coordinated with third parties, and that it properly identifies risks and mitigation means.**

[...]"

- AMC3 -ADR.AR.C.040(a);(f) – Changes (p32-33) and GM1-ADR.AR.C.035(a)(3) – Changes (p28)

In paragraph (a), the changes in nominated persons should not be transmitted to the competent authority as they are not significant safety related matter. The competency of nominated persons should be assessed by the aerodrome operator within its SMS, and the authority will oversee the SMS functioning is adequate, but not assess directly the competency of aerodrome operator staff. The word "qualification" should be avoided (see comment n°869 on qualifications). It is consequently proposed to delete this paragraph.

In paragraph (c): only significant amendments of the management system documentation should be notified to the competent authority.

It is consequently proposed to modify AMC3 -ADR.AR.C.040(a);(f) – Changes as follows :

AMC3 -ADR.AR.C.040(a);(f) – Changes (p32-33)

GENERAL

~~(a) Changes in nominated persons: The competent authority should be informed of any changes to personnel specified in Part ADR.OR that may affect the certificate or the terms of approval attached to it. When an aerodrome operator submits the name of a nominee for the nominated persons mentioned in ADR.OR.D.015, the competent authority should assess his/her qualifications and may interview the nominee or call for additional evidence of his/her suitability before deciding upon his/her acceptability (see GM1-ADR.AR.C.035(a)(3)).~~

~~(b) A documented systematic approach should be used for maintaining the information on when an amendment was received by the competent authority and when it was approved.~~

~~(c) The competent authority should receive from the aerodrome operator each **significant** management system documentation amendment, including amendments that do not require prior approval by the competent authority. Where the amendment requires the competent authority's approval, the competent authority, when satisfied, should indicate its approval in writing. Where the amendment does not require prior approval, the competent authority should acknowledge receipt in writing within the time limits existing under the relevant national legislation.~~

~~[...]"~~

~~and delete **GM1-ADR.AR.C.035(a)(3) – Changes**~~

GM1-ADR.AR.C.040(c)

It is agreed that any changes to the terms of approval of the certificate should be prior approved by the competent authority. However, this does not systematically lead to the formal change of the certificate itself : for a temporary change the formal process of modifying the certificate might take longer than the changes itself.

It is proposed to modify GM1-ADR.AR.C.040(c) : change "~~irrespectively of their magnitude~~" by "**where appropriate**"

• Paragraph (a) of ADR.OR.B.040 and AMC1-ADR.OR.B.040(a) Paragraph (a)(3) of ADR.OR.B.040 is not clear on which entity (the competent authority or the aerodrome operator) decides whether a change needs to be approved by the competent authority or not. DGAC proposes modify it to indicate more explicitly that these changes are those that the competent authority finds necessary to be approved:

ADR.OR.B.040 – Changes

"(a) Any *significant* change affecting:

(1) the terms of approval of the certificate; or

(2) any of the elements of the operator's management system as required in ADR.OR.D.005 (b)(1), (b)(3), (b)(4), (b)(6) and (b)(7); or

(3) any additional elements notified to the competent authority in accordance with paragraph (c) but ~~found necessary to be approved by the competent authority~~ found necessary by the competent authority to be approved,

shall require prior approval by the competent authority.

[...]"

Paragraph (b) of AMC1-ADR.OR.B.040(a) gives too much details while flexibility is needed and the changes requiring prior approval by the competent authority are already defined in accordance with paragraph (a) and (c) of ADR.OR.B.040. It is essential to delete this paragraph to prevent from useless increased administrative burden between the aerodrome operator and the competent authority.

AMC1-ADR.OR.B.040(a) – Changes

"CHANGES REQUIRING PRIOR APPROVAL

[...]

~~(b) Examples of such changes include, but are not limited to, the following:-~~

~~(1) changes to the physical characteristics of a runway; such as:~~

~~(i) new runway(s): a development resulting in the construction of a 'new' runway (e.g. new construction, or the change of an existing grass surface to a paved surface);~~

~~(ii) runway extension or shortening resulting in an amendment to declared distances;-~~

~~(iii) threshold relocation (Instrument Status): a development involving relocation of the instrument runway threshold, or relocation of a non-instrument runway threshold in preparation for instrument status;~~

~~(iv) changes to runway designation.~~

~~(2) changes of the aerodrome visual aids or other changes to the aerodrome, when such changes are associated with a change (upgrade or downgrade) of the intended operations (e.g. to accommodate low visibility operations and/or night operations);~~

~~(3) changes in the aerodrome operating minima;~~

~~(4) change that affects the obstacle limitation surfaces associated with approved type of approaches;~~

~~(5) change in the level of the rescue and fire-fighting services;~~

~~(6) changes in the organisational structure of the organisation, including responsibilities, and accountabilities;~~

~~(7) changes related to fuel provision."~~

response

Not accepted

ADR.AR.B.005 (d) is about required exchange between the Agency and

the Member State Competent Authority for the preparation of standardisation visits. This material is to be sent to EASA upon request. To ensure consistency and coherence throughout the EASA domains, the Agency would like to retain the text as was already adopted in Regulation 290/2012. The Furthermore, it would be even more burdensome to just send only the "significant" changes of the authority's management system, as was suggested in the comment, because it would require their selection and evaluation by all CAAs as to what is "significant".

comment

1120

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.B.005 (a) (2) — Management System (p20)
- AMC/GM to ANNEX I — Part-AR — GM2-ADR.AR.B.005 ~~AR-200(a)~~ — Management system (p10)
- ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51-52)
- ANNEX II - Part-OR - ADR.OR.D.035 — Record keeping (p55)
- AMC/GM to ANNEX II — Part-OR — AMC1-ADR.OR.D.015(e) — Personnel requirements (p100)
- AMC/GM to ANNEX II — Part-OR — GM1-ADR.OR.D.015 ~~AR200(e)~~ — Personnel requirements (p100)
- ANNEX III — Part-OPS - ADR-OPS.B.010 (a)(3) — Rescue and fire-fighting services (p65)
- AMC/GM to ANNEX III — Part-OPS —AMC-ADR-OPS. B.055 — Fuel quality (p160)
- ANNEX III — Part-OPS —ADR-OPS.B.060 — Access to the movement area (p67-68)

2. Justification and proposed text / comment

This comment is linked with comment 869 in book II.

This comment is critical, as this is linked to an important European directive, it would be very stringent to implement it and the specifications quoted contradict themselves.

All personnel do not have to receive a "qualification", as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions. **This word ("qualification") should not be used with the meaning of the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.**

All personnel do not have to receive a "qualification", as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions and it is very stringent.

However, it seems to be the meaning used here as specified in **AMC1-**

ADR.OR.D.015(e).

What is to be evaluated is the competency of people (including their training, their diploma, their skills). Training is generally adapted to the competency: some provisions use "competency" (which is adequate) and some others use "qualification".

Moreover, those specifications are not consistent as, for instance, GM2-ADR.AR.B.005 AR.200(a) which contradicts GM3-ADR.AR.B.005 (a)(2) which says that the aim is to ensure "personnel remain competent". GM2-ADR.AR.B.005 AR.200(a) includes a non-adequate definition, and even say that "qualification does not necessarily imply competence", which is wrong.

It is consequently asked to delete references to "qualifications", which is an important remark from France, and to replace it by "competency". It is asked to delete references to the European directive, and to revise GM2-ADR.AR.B.005 AR.200(a) and GM3-ADR.AR.B.005 which define these words.

Proposal:

"ADR.AR.B.005 – Management system

(a) [...]

(2) [...] Such personnel shall be ~~qualified~~ **competent** to perform their allocated tasks [...]"

"GM2-ADR.AR.B.005 AR.200(a)(2) – Management system

~~QUALIFICATION~~ **COMPETENCY OF PERSONNEL**

The term ~~qualification~~ **competency** denotes fitness for the purpose through fulfilment of the necessary conditions such as completion of required training, or acquisition of a diploma or degree.

~~Qualification~~ It could also be interpreted to mean capacity, knowledge, or skill that matches or suits an occasion, or makes someone eligible for a duty, office, position, privilege, or status.

~~Qualification does not necessarily imply competence.~~

Certain posts may by nature be associated with the possession of certain qualifications in a specific field (e.g. civil or electrical engineering, wildlife biology etc.). In such cases, the person occupying such a post is expected to possess the necessary qualifications at a level that is in accordance with the applicable national or community legislation."

"ADR.OR.D.015 – Personnel requirements

[...]

(d) The aerodrome operator shall have sufficient and ~~qualified~~ **competent** personnel for the planned tasks and activities to be performed in accordance with the applicable requirements.

(e) The aerodrome operator shall maintain appropriate qualification, **if relevant**, and training records [...]"

"ADR.OR.D.035 – Record-keeping

[...]

(d) [...]

(5) personnel training, qualifications, **if relevant**, and medical records [...]"

"AMC1-ADR.OR.D.015(e) – Personnel requirements

DETERMINATION OF PERSONNEL NEEDS AND QUALIFICATIONS

(a) [...]

(b) The aerodrome operator should determine the required **competencies qualifications**, in accordance with the applicable requirements (and the national and European Union legislation where this is applicable, **for qualifications**), and include them in the aerodrome manual. A documented system with defined responsibilities should be in place, in order to identify any needs for changes with regard to personnel qualifications **and/or competency**."

"GM1-ADR.OR.D.015 AR200(e) – Personnel requirements**QUALIFICATION ~~COMPETENCY~~ OF PERSONNEL**

The term ~~qualification~~ **competency** denotes fitness for the purpose through fulfilment of the necessary conditions such as completion of required training, or acquisition of a diploma or degree. ~~Qualification~~ **It** could also be interpreted to mean capacity, knowledge, or skill that matches or suits an occasion, or makes someone eligible for a duty, office, position, privilege, or status.

~~Qualification does not necessarily imply competence.~~

Certain posts may by nature be associated with the possession of certain qualifications in a specific field (e.g. rescue and fire-fighting, civil, mechanical or electrical engineering, wildlife biology etc.). In such cases, the person occupying such a post is expected to possess the necessary qualifications at a level that is in accordance with the applicable national or European Union legislation."

ADR-OPS.B.010 – Rescue and fire-fighting services

"(a) [...]

(3) rescue and fire-fighting personnel are properly trained **and equipped and qualified to operate in the aerodrome environment without prejudice to the system and legal provisions of the relevant Member State;**

[...]"

AMC-ADR-OPS.B.055 – Fuel quality (linked with comment n°908 on responsibilities)

"(a) **Without prejudice to the system and legal provisions of the relevant Member State, t**The aerodrome operator should ensure, either by itself or through formal arrangements with third parties, that organisations involved in storing and dispensing of fuel to aircraft, **implement have** procedures to:

[...]

(4) Use adequately ~~qualified and~~ trained staff in storing, dispensing and otherwise handling fuel on the aerodrome."

response

Partially accepted

The proposed implementing rule does do not use the word "qualification" but the term "qualified" in relation to authority personnel. Therefore, this refers to being "qualified" and not necessarily having a qualification in terms of formal certificate or diploma, although that might be necessary for certain posts in the oversight functions. EASA sees no need to change the implementing rule, but is making adjustments guidance material GM2-ADR.AR.B.005 (a)(2).

The sentence "Qualification does not necessarily mean competent" in GM2-ADR.AR.B.005 (a)(2) was meant to illustrate that emphasising formal qualification over competency would be wrong, as the form is not a sufficient condition for the latter. The sentence was withdrawn by EASA.

comment	<p>1329 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>ADR.AR.B.005 (a) (1) d: to be defined what a "smaller competent authority is</p> <p>ADR.AR.B.005 (d): FOCA suggesst to delete letter (d) or replace it by "A copy of the procedures related to the management system and their amendments shall be made available to the competent authorities personnel". Justification: Procedures (including processes) of the management system undergo minor changes/updates on regular basis => providing them to the Agency by electronic means would result in very high administrative workload.</p>
response	<p><i>Partially accepted</i></p> <p>To ADR.AR.B.005. (a)(1) d: Noted. Neither does (d) exist nor is the word "smaller authorities" being used in the implementing rule text.</p> <p>To ADR.AR.B.005 (d): Partially agreed. Indeed "made available" should be interpreted as "kept" and send to EASA for standardisation purposes upon request.</p>
comment	<p>1487 comment by: <i>Aberdeen Airport Airside Operations</i></p>
response	<p><i>Not accepted</i></p> <p>This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR. However, it is not precluded that the current management system can provide the planning function for staff availability.</p>
comment	<p>1504 comment by: <i>Stansted Airport</i></p> <p>ADR.AR.B.005 (2)</p> <p>Move to GM</p> <p>The second and third sentences are too detailed and should be moved to GM.</p>
response	<p><i>Not accepted</i></p> <p>This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR. However, it is not precluded that the current management system can provide the planning function for staff availability.</p>
comment	<p>1535 comment by: <i>London Luton Airport Operations Ltd</i></p> <p>This content could be replaced with a few sentences on maintaining an</p>

	appropriate SMS in accordance with (e.g. ICAO framework).....and/or move it to Guidance Material.
response	<p><i>Not accepted</i></p> <p>The European Union has decided to give itself its own implementing rules for the safety of many domains in aviation. This means that it transposes the ICAO annexes but also improves on their content where they are insufficiently clear due to the existence of recommendation in the ICAO framework. The option to regulate by reference to the ICAO annexes was therefore dismissed.</p>
comment	<p>1649 comment by: <i>Swedish Transport Agency</i></p> <p>ADR.AR.B.005 (a) (2) on page 20: This is a part of the management system, not necessary to require another system here. We suggest rewording: "The management system shall contain means to plan the..."</p>
response	<p><i>Partially accepted</i></p> <p>The text was not changed, so as not to lose close similarity to the already existing OPS rules in 290/2012. However, there is ample guidance material that describes what the system would ideally look like. We believe that it is not necessary to make it explicit that the system mentioned here may be the already existing resource management system in place.</p>
comment	<p>1650 comment by: <i>Swedish Transport Agency</i></p> <p>ADR.AR.B.005 (a) (5) on page 20: A group of persons is not acceptable. The function has to have one person responsible.</p>
response	<p><i>Not accepted</i></p> <p>The Agency believes that the compliance monitoring function inside the competent authorities can be fulfilled by either a person <u>or</u> a group of persons. The same rule can be found in Regulation 290/2012. For example the compliance monitoring is part of a ISO 9001 certification, so the unit in charge inside the competent authority ensuring the fulfilment of the requirements of ISO 9001 for Quality Management could also do the compliance monitoring regarding the European requirements for authorities. Last but not least, please understand that this offers flexibility for those authorities that want a group, but it allows those that want one person to fulfil that function can retain that system.</p>
comment	<p>1652 comment by: <i>Swedish Transport Agency</i></p> <p>We do not agree in ADR.AR.B.005 (d) on page 20 if "made available" means to send/submit. If it means to keep documented and available for inspections that would be acceptable. Please clarify this. We suggest to replace the word "made" with the word "kept".</p>
response	<p><i>Partially accepted</i></p> <p>Indeed "made available" should be interpreted as "kept" and send to EASA for standardisation purposes upon request.</p>

comment	<p>1756 comment by: UK CAA</p> <p>Page No: 20</p> <p>Paragraph No: ADR.AR.B.005</p> <p>Comment: UK CAA fully supports the provision setting down the need to have a management system, which fully reflects the provisions for organisations in aircrew and air operations domains.</p> <p>Justification: Total system approach.</p>
response	<p><i>Noted</i></p>
comment	<p>2018 comment by: Airport Operators Association</p> <p>ADR.AR.B.005 (2) This should be moved to GM</p> <p>Justification - The second and third sentences are too detailed and as such should be moved to Guidance Material.</p>
response	<p><i>Not accepted</i></p> <p>This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR. However, it is not precluded that the current management system can provide the planning function for staff availability.</p>
comment	<p>2110 comment by: Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</p> <p>The detailed provisions of the whole subpart B should be deleted as they are interfering with the organizational sovereignty of the Member States! Instead of deleting, EASA/COM may decide that those rules be shifted to GM at least in order to allow for the necessary flexibility for customized compliance as required by Art. 8a para 6 subpara (e) BR (see our detailed comment on Annex I Part-AR Subpart A, A.001).</p> <p>However, we are of course prepared to actively promote an uniform level of safety in Europe, but we strongly demand the flexibility to decide on a national level how to fulfill the objectives of the BR.</p>
response	<p><i>Not accepted</i></p> <p>On authority requirements: Noted. The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO annex 14. It also reflects what will become binding on states following the introduction of annex 19 into the ICAO list of annex.</p> <p>On move to GM: Not agreed. Subpart B is representing the total system approach that the European legislator foresees for its regulatory system and that is contained in ICAO's 8 critical elements (in particular CE 3 State civil aviation system and safety oversight functions). Relevant SARPs are to be found in the</p>

forthcoming Annex 19, which EASA is transposing for Europe amongst other things with the requirements for management systems of the competent authorities.

comment 2265 comment by: *Luftfahrtbehörde Schleswig-Holstein*

We reject this subpart on the management of the competent authority in the Member State (ADR.AR.B) because it is much too detailed and compromises the sovereignty of the Member State. A vivid example is paragraph (a) (3), in which it is stated that the competent authority shall have adequate facilities and office accommodation. We believe the Member States are competent to establish an adequate management system without these rules. If at all, these provisions should only be stated in guidance material (GM). This subpart must be checked by the legal service of the European Commission.

response *Not accepted*

On authority requirements:
Noted.

The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO annex 14. It also reflects what will become binding on states following the introduction of annex 19 into the ICAO list of annex.

On move to GM:
Not agreed.

Subpart B is representing the total system approach that the European legislator foresees for its regulatory system and that is contained in ICAO's 8 critical elements (in particular CE 3 State civil aviation system and safety oversight functions). Relevant SARPs are to be found in the forthcoming Annex 19, which EASA is transposing for Europe amongst other things with the requirements for management systems of the competent authorities.

Furthermore, all EASA opinions are routinely checked by the Commission legal service before being proposed in comitology so that it is unnecessary to request this check.

comment 2386 comment by: *East Midlands Airport - EMA/EGNX*

(2) Move to GM

Justification: The second and third sentences are too detailed and should be moved to Guidance Material.

response *Not accepted*

This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR. However, it is not precluded that the current management system can provide the planning function for staff availability.

comment 2499 ❖ comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.A.001 (p16)
- ANNEX I - Part-AR - ADR.AR.B.005 – Management system (p20)
- ANNEX I - Part-AR - ADR.AR.B.015 – Changes to the management system (p21)
- ANNEX I - Part-AR - ADR.AR.B.020 – Record-keeping (p22)
- ANNEX II - Part-OR - ADR.OR.B.040 – (p41)
- ANNEX II - Part-OR - ADR.OR.B.045 – Assessment of changes (p42)
- ANNEX II - Part-OR - ADR.OR.D.007 – Management of aeronautical data and aeronautical information (p50)
- ANNEX II - Part-OR - ADR.OR.D.015 – Personnel requirements (p51)
- ANNEX II - Part-OR - ADR.OR.D.025 – Coordination with other relevant organisations (p53)

The above rules are affected and should be revised, however, this list could not be considered exhaustive : related AMC and CS should be revised accordingly

2. Justification and proposed text / comment

This comment is linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)

Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections *in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*" Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States to have a "Management System", with additional requirements on personnel, notably functions to monitor compliance, which induces administrative burden and huge costs: this is the State competency.

It is asked to EASA to delete the notion of a management system for the State, and to limit its regulation to the obligation, for the State, to have adequate procedures and resources to certify, and perform the oversight of aerodromes. It is to note that the Cover regulation only mentions "safety" management system, even in the aerodrome manual (ADR.OR.E.010).

The above rules are affected and should be revised, however, this list could not be considered exhaustive

response *Noted*

The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO annex 14. It also reflects what will become binding on states following the introduction of annex 19

into the ICAO list of annex.

comment

2500

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.B.005 — Management system (p20)
- ANNEX I - Part-AR - Appendix I to ADR.AR.C.035 — Certificate (p32-33)
- ANNEX I - Part-AR - Appendix II to ADR.AR.C.035 — Certificate (p34 to 36)
- ANNEX II - Part-OR - ADR.OR.D.005 — Management (p49-50)

The above rules are affected and should be revised, however, this list could not be considered exhaustive: related AMCs should be revised accordingly

2. Justification and proposed text / comment

This comment is critical and linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)

Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections *in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*" Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States nor the operators to have **a specific function to monitor compliance**.

Nobody should not respect regulation and law, this function has no added value.

Moreover, for the aerodrome operator, the function to "monitor compliance" is already dealt with within their SMS, but a specific function is not necessary.

It is asked to EASA to delete the notion of compliance monitoring for both aerodrome operators and authorities. The above rules are affected and should be revised, however, this list could not be considered exhaustive

Consequently it is proposed to:

- **delete sub paragraphs (a) (4) and (a) (5) in ADR.AR.B.005 — Management system**
- **delete the reference to "compliance monitoring" in Appendices I and II to ADR.AR.C.035 — Certificate;**
- **delete sub paragraph (d) in ADR.OR.D.005 — Management;**

response *Not accepted*

Deletion of (a) (4) and (a) (5) in ADR.AR.B.005:
Subpart B as a whole and therefore also (a)(4) and (5) on the compliance management monitoring function and the Compliance management manager or group of persons fulfilling this function are representing the total system approach that the European legislator foresees for its regulatory system and that is contained in ICAO's 8 critical elements. With respect to the elements (a)(4) and (5) the CE 7 (Surveillance obligations) is relevant. It states that States should use a surveillance process to ensure that licence and approval holders continuously meet the established requirements, but that also the personnel who performs oversight functions should be surveyed if they meet their established requirements. The relevant SARPs are to be found in the forthcoming Annex 19, which is EASA is transposing for Europe amongst other things with the requirements for management systems of the competent authorities.

comment 2519 comment by: *Shannon Airport*

The competent shall notify the **management of certified aerodromes** of changes affecting its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EC) No. 216/2008 and its Implementing Rules.

response *Noted*

It is not clear what the commentator wants to propose. Therefore EASA is not in the position to adequately respond.

comment 2595 comment by: *Infratil Airports Europe Ltd*

Page No: 20

Paragraph No: ADR.AR.B.005 (2)

Comment: The second and third sentences are too detailed and should be moved to Guidance Material.

response *Not accepted*

This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR. However, it is not precluded that the current management system can provide the planning function for staff availability.

comment 2684 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.AR.B.005 (2)	Move to GM	The second and third sentences are too detailed and should be moved to Guidance Material.
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response *Not accepted*

This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR.

However, it is not precluded that the current management system can provide the planning function for staff availability.

comment

2725

comment by: AENA - Aeropuertos Españoles y Navegación
Aérea

This comment is critical, as this is linked to an important European directive, it would be very stringent to implement it and the specifications quoted contradict themselves.

All personnel do not have to receive a "qualification", as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions. **This word ("qualification") should not be used with the meaning of the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.**

All personnel do not have to receive a "qualification", as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions and it is very stringent.

However, it seems to be the meaning used here as specified in **AMC1-ADR.OR.D.015(e)**.

What is to be evaluated is the competency of people (including their training, their diploma, their skills). Training is generally adapted to the competency: some provisions use "competency" (which is adequate) and some others use "qualification".

Moreover, those specifications are not consistent as, for instance, GM2-ADR.AR.B.005 ~~AR.200(a)~~ which contradicts GM3-ADR.AR.B.005 (a)(2) which says that the aim is to ensure "personnel remain competent".

GM2-ADR.AR.B.005 ~~AR.200(a)~~ includes a non-adequate definition, and even say that "qualification does not necessarily imply competence", which is wrong.

It is consequently asked to delete references to "qualifications", which is an important remark from France, and to replace it by "competency". It is asked to delete references to the European directive, and to revise GM2-ADR.AR.B.005 ~~AR.200(a)~~ and GM3-ADR.AR.B.005 which define these words.

Proposal:

"ADR.AR.B.005 – Management system

(a) [...]

(2) [...] *Such personnel shall be ~~qualified~~ **competent** to perform their allocated tasks [...]*"

response

Partially accepted

The proposed implementing rule does not use the word "qualification" but the term "qualified" in relation to authority personnel. Therefore, this refers to being "qualified" and not necessarily having a qualification in terms of formal certificate or diploma, although that might be necessary for certain posts in the oversight functions. EASA sees no need to change the implementing rule, but is making adjustments guidance material GM2 GM2-ADR.AR.B.005 (a)(2).

comment 2839 comment by: *Norwich International Airport*
ADR.AR.B.005 (2)

The second and third sentences are too detailed and should be moved to Guidance Material.

response *Not accepted*

This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR. However, it is not precluded that the current management system can provide the planning function for staff availability.

comment 3067 comment by: *BMVBS - Federal Ministry of Transport, Building and Urban Development*

General comment on Subpart B:
The detailed provisions of this subpart should be deleted as they are interfering with the organizational sovereignty of the Member States.
However, we are of course prepared to actively promote an uniform level of safety in Europe, but we strongly demand the flexibility to decide on a national level how to fulfill the objectives of the BR.

response *Noted*

comment 3219 comment by: *London Biggin Hill Airport*

(2) The second and third sentences are very detailed and should be moved the Guidance Material.

response *Not accepted*

This is the same text as in Regulation 290/2012. There must be a minimum detail on how the staff should be trained at the level of the IR. However, it is not precluded that the current management system can provide the planning function for staff availability.

ANNEX I - Part-AR - ADR.AR.B.010 – Allocation of tasks REV

p. 21

comment 157 comment by: *CAA-NL*

Please change natural or legal person into qualified entity.

(a) (1) (i, ii, iii) are not necessary because this is already regulated in

Annex V of the basic regulation.

We suggest to add 'safety risk management process' after 'internal audit process' in (b) in consistency with ARA/ARO. Audits only does not comply with the SMS requirements.

response *Partially accepted*

The Agency had proposed "natural and legal persons" to give the CAAs more choices as to the kind of support they can procure, meaning companies and normal persons, such an individual expert. If however it is preferred to refer to "qualified entities", the definition of which in Regulation 216/2008 is limited to bodies, i.e. companies or other non-natural person, the Agency is willing to change the IR in that sense. On the other hand the Agency believes that system to check for their initial and continuous capabilities ((a)(1) (I, ii, ii)) should be retained as they were.

Additionally, the "safety risk management process" can be added to have greater consistency with Regulation 290/2011.

comment 287 comment by: *BAA Airside operations*

(a) (1) (ii) Reword to say "adequate safety facilities and safety equipment" There is no need for such a broad application - this should be focussed on safety facilities and safety equipment only, not all facilities and equipment.

response *Not accepted*

This "facilities and equipment" means that the body who receives allocated tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.

comment 373 comment by: *Edinburgh Airport*

ADR.AR.B.010 (a) (1) (ii) Reword to "adequate safety facilities and safety equipment" Justification - There is no need for such broad application. It should be focused on safety.

response *Not accepted*

This "facilities and equipment" means that the body who receives allocated tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.

comment 619 comment by: *Bristol Airport - BRS/EGGD*

ADR.AR.B.010 (a) (1) (ii)	Reword to "adequate safety facilities and safety equipment"	There is no need for such broad application. It should be focussed on safety.
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response *Not accepted*

This "facilities and equipment" means that the body who receives allocated

tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.

comment 923 comment by: *Gatwick Airport Ltd*

(a) (1) (ii) Reword to "adequate safety facilities and safety equipment"

Justification

There is no need for such broad application. It should be focussed on safety.

response *Not accepted*

This "facilities and equipment" means that the body who receives allocated tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.

comment 970 comment by: *NATS National Air Traffic Services Limited*

The sentence does not read correctly "When allocating a task related to the initial certification or continuing oversight of aerodromes and their operators or providers **or** apron management services...."

Amend to "...providers **of** aerodrome services...".

response *Accepted*

comment 972 comment by: *NATS National Air Traffic Services Limited*

ADR.AR.B.010(a)(1)(iv)

The text refers to Annex V of BR which is "Criteria for qualified entities"

Recommend the amendment of the reference to "Annex Va, and where applicable Annex Vb".

response *Not accepted*

It is meant to refer to Annex V, the "criteria for qualified entities".

comment 1489 comment by: *Aberdeen Airport Airside Operations*

(a) (1) reword to "adequate safety facilities and safety equipment" - No need for such a broad application - should be focused on safety.

response *Not accepted*

This "facilities and equipment" means that the body who receives allocated tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.

comment	<p>1505 comment by: <i>Stansted Airport</i></p> <p>ADR.AR.B.010 (a) (1) (ii)</p> <p>Reword to "adequate safety facilities and safety equipment"</p> <p>No need for such broad application – should be focussed on safety.</p>
response	<p><i>Not accepted</i></p> <p>This "facilities and equipment" means that the body who receives allocated tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.</p>
comment	<p>1757 comment by: <i>UK CAA</i></p> <p>Page No: 21</p> <p>Paragraph No: ADR.AR.B.010</p> <p>Comment: The requirements in ADR.AR.B.010 follow closely the equivalent requirements in IRs already agreed for Aircrew and Operations, namely ARA.GEN.205 and ARO.GEN.205, except for a number of differences, namely:</p> <p>The text "to qualified entities" is missing from the title; The phrase "to a natural or legal person" is used in (a) instead of "only to qualified entities"; The phrase "to a natural or legal person" is used in (a)(2) instead of "the qualified entity"; Extra text is added to (a)(1) at (i) to (iii) which is not deemed necessary in the Aircrew and Operations AR provisions, and indeed seems only to repeat aspects of Annex V to Regulation (EC) No 216/2008 which is already referenced in (iv). These differences should be justified or resolved.</p> <p>Justification: The UK CAA supports using consistent provisions in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified. Moreover, the existence of a requirement in one area and not in another suggests a difference of intent.</p> <p>Proposed Text: Align with ARA.GEN.205 and ARO.GEN.205</p>
response	<p><i>Partially accepted</i></p> <p>The Agency had proposed "natural and legal persons" to give the CAAs more choices as to the kind of support they can procure, meaning companies and normal persons, such an individual expert. If however it is preferred to refer to "qualified entities", the definition of which in Regulation 216/2008 is limited to bodies, i.e. companies or other non-natural person, the Agency is willing to change the IR in that sense. On the other hand the Agency believes that system to check for their initial and continuous capabilities ((a)(1) (I, ii, ii)) should be retained as they were. Additionally, the "safety risk management process" can be added to have</p>

greater consistency with Regulation 290/2011.

Finally, the intent is slightly different from Regulation 290/2012, that is how the difference came about. Also EASA felt that Regulation 290/2012 was confusing the addressee in its text under ARA.GEN.205 (a), i.e. speaking to Member States and just later speaking to competent authorities.

comment	2019 comment by: <i>Airport Operators Association</i>
	<p>ADR.AR.B.010 (a) (1) (ii) This should be reworded to read "adequate safety facilities and safety equipment" Justification - There is no need for such broad application. It should be focussed on safety.</p>
response	<i>Not accepted</i>
	<p>This "facilities and equipment" means that the body who receives allocated tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.</p>
comment	2111 comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i>
	<p>The detailed provision of the whole subpart B should be deleted as they are interfering with the organizational sovereignty of the Member States! Instead of deleting, EASA/COM may decide that those rules be shifted to GM at least in order to allow for the necessary flexibility for customized compliance as required by Art. 8a para 6 subpara (e) BR (see our detailed comment on Annex I Part-AR Subpart A, A.001).</p> <p>However, we are of course prepared to actively promote an uniform level of safety in Europe, but we strongly demand the flexibility to decide on a national level how to fulfill the objectives of the BR.</p>
response	<i>Noted</i>
comment	2195 comment by: <i>AESA - Agencia Estatal de Seguridad Aérea</i>
	<p>a) When allocating a task related to the initial certification or continuing oversight of aerodromes and their operators or providers or apron management services subject to Regulation (EC) No 216/2008 and its Implementing Rules to a natural or legal person, the competent authority shall ensure that it has (...)</p> <p>Replace or by of</p>
response	<i>Accepted</i>
comment	2267 comment by: <i>Luftfahrtbehörde Schleswig-Holstein</i>
	<p>If at all, these provisions should only be stated in guidance material (GM).</p>

response *Not accepted*

The outsourcing of certification and oversight tasks and the control of the bodies to whom this is done is an essential aspect of the quality assurance of the whole system. This has to be dealt with at the level of the Implementing Rules, as it was done in Regulation 290/2012 under AR.GEN.205, its equivalent rule for the competent authorities for aircrews.

comment 2382 comment by: *East Midlands Airport - EMA/EGNX*

(a) (1) Reword to "adequate *safety* facilities and *safety* equipment"

Justification: There is no need for such broad application. It should be focussed on safety.

response *Not accepted*

This "facilities and equipment" means that the body who receives allocated tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.

comment 2596 comment by: *Infratil Airports Europe Ltd*

Page No: 21

Paragraph No: ADR.AR.B.010 (a) (1) (ii)

Comment: There is no need for such broad application. It should be focussed on safety.

Proposed Text: adequate safety facilities and safety equipment

response *Not accepted*

This "facilities and equipment" means that the body who receives allocated tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.

comment 2659 comment by: *HIA - Highlands and Islands Airports Limited*

B.010a(1)(ii) - Insert *adequate safety facilities and safety equipment*

response *Not accepted*

This "facilities and equipment" means that the body who receives allocated tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.

comment 2685 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.AR.B.010 (a) (1) (ii)	Reword to "adequate safety facilities and safety equipment"	There is no need for such broad application. It should be focussed on safety.
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response	<i>Not accepted</i>
	This "facilities and equipment" means that the body who receives allocated tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.
comment	3217 comment by: <i>London Biggin Hill Airport</i>
	ADR.AR.B.010(a)(1)(ii) This is a very broad statement and should be focused on safety could be reworded to "adequate safety facilities and saftey equipment"
response	<i>Not accepted</i>
	This "facilities and equipment" means that the body who receives allocated tasks should have adequate facilities and equipment; which may vary from being enough office space and having the right equipment to do their work. Adding the word "safety" is not helping.

ANNEX I - Part-AR - ADR.AR.B.015 – Changes to the management system REV

p. 21

comment	481 comment by: <i>Icelandic Civil Aviation Administration</i>
	This article has an incorrect headline, this is not a change to the management system. The headline should be: "Changes that affect the capability of the competent authority to perform its tasks and discharge its responsibilities."
response	<i>Not accepted</i>
	The title is largely reflective of the content. The Management System of the competent authority is a means to ensure its capability to perform its task and discharge its responsibilities. So this is a short way to say the same thing. Moreover, the title exists in Regulation 290/2012, and changing it now would suggest a difference in intent, where there is none.
comment	924 comment by: <i>Gatwick Airport Ltd</i>
	No Comment
response	<i>Noted</i>
comment	996 comment by: <i>Dublin Airport Authority</i>
	Ref (c) Amend to read as follows
	The competent authority shall notify the management of certified aerodromes of changes affecting its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EC) No. 216/2008 and its Implementing Rules.
response	<i>Not accepted</i>

EASA and its standardisation teams need to know if a competent authority is still capable of performing its tasks. EASA sees no reason for such notification to the aerodromes, unless this comment is meant to potentially weaken the authority of the competent authority. If problems should exist, these will be taken care of by the standardisation process with which the European aviation safety system will ensure a high and uniform level of safety

comment	1542	comment by: <i>London Luton Airport Operations Ltd</i>
	This does not refelect that the competent authority will inform aerodromes of such changes, these may be relevant to the safety oversight provided by the competent authority and aerodromes should be informed of changes.	
response	<i>Not accepted</i>	
	EASA and its standardisation teams need to know if a competent authority is still capable of performing its tasks. EASA sees no reason for such notification to the aerodromes, unless this comment is meant to potentially weaken the authority of the competent authority. If problems should exist, these will be taken care of by the standardisation process with which the European aviation safety system will ensure a high and uniform level of safety	
comment	2112	comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i>
	The detailed provision of the whole subpart B should be deleted as they are interfering with the organizational sovereignty of the Member States! Instead of deleting, EASA/COM may decide that those rules be shifted to GM at least in order to allow for the necessary flexibility for customized compliance as required by Art. 8a para 6 subpara (e) BR (see our detailed comment on Annex I Part-AR Subpart A, A.001).	
	However, we are of course prepared to actively promote an uniform level of safety in Europe, but we strongly demand the flexibility to decide on a national level how to fulfill the objectives of the BR.	
response	<i>Noted</i>	
comment	2268	comment by: <i>Luftfahrtbehörde Schleswig-Holstein</i>
	If at all, these provisions should only be stated in guidance material (GM).	
response	<i>Not accepted</i>	
comment	2355	comment by: <i>Dublin Airport Authority</i>
	Notification should also be provided to the operators of aerodromes certified by the competent authority.	
response	<i>Not accepted</i>	
	EASA and its standardisation teams need to know if a competent authority is still capable of performing its tasks. EASA sees no reason for such	

notification to the aerodromes, unless this comment is meant to potentially weaken the authority of the competent authority. If problems should exist, these will be taken care of by the standardisation process with which the European aviation safety system will ensure a high and uniform level of safety.

comment

2499 ❖

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.A.001 (p16)
- ANNEX I - Part-AR - ADR.AR.B.005 — Management system (p20)
- ANNEX I - Part-AR - ADR.AR.B.015 — Changes to the management system (p21)
- ANNEX I - Part-AR - ADR.AR.B.020 — Record-keeping (p22)
- ANNEX II - Part-OR - ADR.OR.B.040 — (p41)
- ANNEX II - Part-OR - ADR.OR.B.045 — Assessment of changes (p42)
- ANNEX II - Part-OR - ADR.OR.D.007 — Management of aeronautical data and aeronautical information (p50)
- ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51)
- ANNEX II - Part-OR - ADR.OR.D.025 — Coordination with other relevant organisations (p53)

The above rules are affected and should be revised, however, this list could not be considered exhaustive : related AMC and CS should be revised accordingly

2. Justification and proposed text / comment

This comment is linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)

Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections *in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*" Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States to have a "Management System", with additional requirements on personnel, notably functions to monitor compliance, which induces administrative burden and huge costs: this is the State competency.

It is asked to EASA to delete the notion of a management system for the State, and to limit its regulation to the obligation, for the State, to have adequate procedures and resources to certify, and perform the oversight of aerodromes. It is to note that the Cover regulation only mentions **"safety" management system, even in the aerodrome manual**

	(ADR.OR.E.010). <u>The above rules are affected and should be revised, however, this list could not be considered exhaustive</u>
response	<i>Noted</i> The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO annex 14. It also reflects what will become binding on states following the introduction of annex 19 into the ICAO list of annex.
comment	2984 comment by: <i>Norwich International Airport</i> ADR.OR.B.015 (b) (7) Delete "qualifications and experience" This is too much detail in an IR and is not needed.
response	<i>Noted</i> This comment is misplaced. We are in AR not OR. There is an answer to this comment in the responses to the comments to relevant OR rule.

ANNEX I - Part-AR - ADR.AR.B.020 – Record-keeping

p. 22

comment	288 comment by: <i>BAA Airside operations</i> (a) (8) Definition? What are the potential "enforcement measures" mentioned here? Can examples and situations be given? This is the first mention of them.
response	<i>Noted</i> Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement". Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight: <ul style="list-style-type: none"> · Financial penalties · Limitation of operations · Suspension of certificate (wholly or partly) · Revocation of certificate · Revoking an approval Other examples may include: <ul style="list-style-type: none"> · prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards; · prohibiting untrained persons access airside until they are trained; · suspending RFFS personnel to be used as such because they are not trained as needed; · (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment 374 comment by: *Edinburgh Airport*
 ADR.AR.B.020 (a) (8) - Definition?
 Justification - What are the potential "enforcement measures" mentioned here? Can examples and situations be given?

response *Noted*
 Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".
 Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:
 · Financial penalties
 · Limitation of operations
 · Suspension of certificate (wholly or partly)
 · Revocation of certificate
 · Revoking an approval
 Other examples may include:
 · prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
 · prohibiting untrained persons access airside until they are trained;
 · suspending RFFS personnel to be used as such because they are not trained as needed;
 · (...)
 In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment 621 comment by: *Bristol Airport - BRS/EGGD*

ADR.AR.B.020 (a) (8)	Definition?	What are the potential "enforcement measures" mentioned here? Can examples and situations be given? This is the first mention of them.
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response *Noted*
 Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".
 Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an

aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

639

comment by: *Exeter International Airport*

ADR.AR.B.020 (a) (8) : What are the potential "enforcement measures" mentioned here? Can examples and situations be given? This is the first mention of them.

response

Noted

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment	926	comment by: <i>Gatwick Airport Ltd</i>
response	<i>Noted</i>	
comment	997	comment by: <i>Dublin Airport Authority</i>
	Add Section (e)	
	Record Availability – The competent authority may agree with certified aerodromes that a variety of records pertaining to these aerodromes is made available to all certified aerodromes for information purposes.	
response	<i>Noted</i>	
	EASA is not in favour of making this a European provision, as the relationship between an airport and its competent authority is a privileged one and the records are also privileged.	
comment	1256	comment by: <i>Blackpool Airport - BLK/EGNH</i>
	ADR.AR.B.020 (a) (8) : What are the potential “enforcement measures” mentioned here? Can examples and situations be given? This is the first mention of them.	
response	<i>Noted</i>	
	Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that “Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement”.	
	Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:	
	<ul style="list-style-type: none"> · Financial penalties · Limitation of operations · Suspension of certificate (wholly or partly) · Revocation of certificate · Revoking an approval 	
	Other examples may include:	
	<ul style="list-style-type: none"> · prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards; · prohibiting untrained persons access airside until they are trained; · suspending RFFS personnel to be used as such because they are not trained as needed; · (...) 	
	In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.	

comment	1330 comment by: <i>Federal Office of Civil Aviation FOCA</i>
	ADR.AR.B.020 (6): "The evaluation and notification of the Agency concerning AMC and the assessment of alternative means of compliance...": This requirement is too far-reaching, not all safety assessments have to be reviewed in detail by the NAA. The criteria are defined when the ADR has to submit the documentation to the NAA for approval. The notification of the Agency should be done only for AMC.
response	<i>Not accepted</i> All proposals for alternative means of compliance coming from aerodrome operators have to be assessed by the competent authority as per ADR.AR.B.020 (c). These assessments as well as the assessments of the alternative means of compliance that the competent authority itself wants to use are to be kept.
comment	1490 comment by: <i>Aberdeen Airport Airside Operations</i>
	(a) (8) Definition ?? - What are the potential "enforcement measures" mentioned here? Can examples and situations be given? This is the first mention of them.
response	<i>Noted</i> Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement". Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight: <ul style="list-style-type: none"> · Financial penalties · Limitation of operations · Suspension of certificate (wholly or partly) · Revocation of certificate · Revoking an approval Other examples may include: <ul style="list-style-type: none"> · prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards; · prohibiting untrained persons access airside until they are trained; · suspending RFFS personnel to be used as such because they are not trained as needed; · (...) In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.
comment	1506 comment by: <i>Stansted Airport</i>
	ADR.AR.B.020 (a) (8) Definition?

What are the potential "enforcement measures" mentioned here? Can examples and situations be given? This is the first mention of them.

response

Noted

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

1758

comment by: UK CAA

Page No: 22

Paragraph No: ADR.AR.B.020 (a)(6)

Comment: The requirements in ADR.AR.B.020 (a)(6) follow closely the equivalent requirements in IRs already agreed for Operations, namely ARO.GEN.220 (a)(9), except for the inclusion of a reference to "providers of apron management services" which are subject to a declaration process.

The inclusion of providers of apron management services in this paragraph does not distinguish between those subject to an approval process and those subject to a declaration process under a Member State derogation, as allowed in Article 8a of the Basic EASA Regulation. It should not be assumed that those subject to a declaration are required to provide the competent authority with a list of alternative means of compliance used in accordance with ADR.OR.060(a)(2).

Justification: Clarity and consistency.

Proposed Text: Amend to read "**and providers of apron management services that are not subject to a declaration process**"

	."
response	<p><i>Not accepted</i></p> <p>The Agency does not share the view that providers of apron management services should not declare to the competent authority the alternative means of compliance that they may use. If this is not done, then the authority will not be in a position to identify a possible need for audit/inspection but most importantly it will not be able to fulfil its obligations arising from the overall concept for the use of alternative means of compliance. In any case such declared organisations are not certified.</p>
comment	<p>1759 comment by: UK CAA</p> <p>Page No: 22</p> <p>Paragraph No: ADR.AR.B.020 (c)</p> <p>Comment: The requirements in ADR.AR.B.020(c) follow closely the equivalent requirements in IRs already agreed for Aircrew and Operations, namely ARA.GEN.220 (c) and ARO.GEN.220 (c), except for the requirement to keep records relating training and qualification of the personnel of the competent authority in (c) (2). This difference should be justified or resolved.</p> <p>Justification: The UK CAA considers that identical provisions should be used in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified. Moreover, the existence of a requirement in one area and not in another suggests a difference of intent. For sake of clarity and consistency this additional text should be deleted.</p> <p>Proposed Text: Delete subparagraph (2).</p>
response	<p><i>Not accepted</i></p> <p>The records of the training and qualification of personnel allows the authority to establish and tailor the training to staff's training needs. Therefore they are needed for the life span of the employment. This is in line with ICAO 8 critical elements and will be useful during EASA standardisation visits.</p>
comment	<p>2021 comment by: Airport Operators Association</p> <p>ADR.AR.B.020 (a) (8) Clarification is needed on what are the potential "enforcement measures". It would be helpful to have examples and possible situations.</p>
response	<p><i>Noted</i></p> <p>Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".</p> <p>Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement</p>

measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

2113

comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

The detailed provision of the whole subpart B should be deleted as they are interfering with the organizational sovereignty of the Member States! Instead of deleting, EASA/COM may decide that those rules be shifted to GM at least in order to allow for the necessary flexibility for customized compliance as required by Art. 8a para 6 subpara (e) BR (see our detailed comment on Annex I Part-AR Subpart A, A.001).

However, we are of course prepared to actively promote an uniform level of safety in Europe, but we strongly demand the flexibility to decide on a national level how to fulfill the objectives of the BR.

response

Noted

comment

2270

comment by: *Luftfahrtbehörde Schleswig-Holstein*

If at all, these provisions should only be stated in guidance material (GM).

response

Not accepted

Subpart B is representing the total system approach that the European legislator foresees for its regulatory system and that is contained in ICAO's 8 critical elements (in particular CE 3 State civil aviation system and safety oversight functions). The relevant SARPs are to be found in the forthcoming Annex 19, which EASA is transposing for Europe amongst other things with the requirements for management systems of the competent authorities. Guidance material would not have the legal value that these provisions should take.

Last but not least the same rules are already adopted for the aircrew and air operations domain in Regulation 290/2012.

comment	<p>2360 comment by: <i>Dublin Airport Authority</i></p> <p>Add Section (e) Record Availability – The competent authority may agree with certified aerodromes that certain records pertaining to these aerodromes may be made available to all certified aerodromes for information purposes.</p>
response	<p><i>Noted</i></p> <p>EASA is not in favour of making this a European provision, as the relationship between an airport and its competent authority is a privileged one and the records are also privileged.</p>
comment	<p>2389 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(a) (8) Definition?</p> <p>Justification: What are the potential “enforcement measures” mentioned here? Can examples and situations be given? This is the first mention of them.</p>
response	<p><i>Noted</i></p> <p>Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that “Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement”.</p> <p>Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:</p> <ul style="list-style-type: none"> · Financial penalties · Limitation of operations · Suspension of certificate (wholly or partly) · Revocation of certificate · Revoking an approval <p>Other examples may include:</p> <ul style="list-style-type: none"> · prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards; · prohibiting untrained persons access airside until they are trained; · suspending RFFS personnel to be used as such because they are not trained as needed; · (...) <p>In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.</p>
comment	<p>2499 ❖ comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.A.001 (p16) • ANNEX I - Part-AR - ADR.AR.B.005 — Management system (p20)

- ANNEX I - Part-AR - ADR.AR.B.015 — Changes to the management system (p21)
- ANNEX I - Part-AR - ADR.AR.B.020 — Record-keeping (p22)
- ANNEX II - Part-OR - ADR.OR.B.040 — (p41)
- ANNEX II - Part-OR - ADR.OR.B.045 — Assessment of changes (p42)
- ANNEX II - Part-OR - ADR.OR.D.007 — Management of aeronautical data and aeronautical information (p50)
- ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51)
- ANNEX II - Part-OR - ADR.OR.D.025 — Coordination with other relevant organisations (p53)

The above rules are affected and should be revised, however, this list could not be considered exhaustive : related AMC and CS should be revised accordingly

2. Justification and proposed text / comment

This comment is linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)

Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections *in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*" Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States to have a "Management System", with additional requirements on personnel, notably functions to monitor compliance, which induces administrative burden and huge costs: this is the State competency.

It is asked to EASA to delete the notion of a management system for the State, and to limit its regulation to the obligation, for the State, to have adequate procedures and resources to certify, and perform the oversight of aerodromes. It is to note that the Cover regulation only mentions **"safety" management system, even in the aerodrome manual (ADR.OR.E.010).**

The above rules are affected and should be revised, however, this list could not be considered exhaustive

response *Noted*

The Authority Requirements are now established in Regulation 290/2012. Their legal basis is clear and a transposition of Attachment C "Framework for the State Safety Programme SSP" to ICAO annex 14. It also reflects what will become binding on states following the introduction of annex 19 into the ICAO list of annex.

comment 2597

comment by: *Infratil Airports Europe Ltd*

Page No: 22

Paragraph No: ADR.AR.B.020 (a) (8)

Comment: What are the potential "enforcement measures" mentioned here? Can examples and situations be given? This is the first mention of them.

response

Noted

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

2658

comment by: *HIA - Highlands and Islands Airports Limited*

B.020 (8) - Description required of what form would these *enforcement measures* would be

response

Noted

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

2686 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.AR.B.020 (a) (8)	Definition?	What are the potential "enforcement measures" mentioned here? Can examples and situations be given? This is the first mention of them.
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response

Noted

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

2844 comment by: *Norwich International Airport*

ADR.AR.B.020 (a) (8)

What are the potential "enforcement measures" ? Can examples and

	situations be given?
response	<p><i>Noted</i></p> <p>Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".</p> <p>Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:</p> <ul style="list-style-type: none"> · Financial penalties · Limitation of operations · Suspension of certificate (wholly or partly) · Revocation of certificate · Revoking an approval <p>Other examples may include:</p> <ul style="list-style-type: none"> · prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards; · prohibiting untrained persons access airside until they are trained; · suspending RFFS personnel to be used as such because they are not trained as needed; · (...) <p>In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.</p>
comment	<p>2982 comment by: <i>DAA Cork Airport</i></p> <p>The competent shall notify the management of certified aerodromes of changes affecting its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EC) No. 216/2008 and its Implementing Rules.</p>
response	<p><i>Not accepted</i></p> <p>Comment was wrongly assigned. But EASA's response is given here nevertheless.</p> <p>EASA and its standardisation teams need to know if a competent authority is still capable of performing its tasks. EASA sees no reason for such notification to the aerodromes, unless this comment is meant to potentially weaken the authority of the competent authority. If problems should exist, these will be taken care of by the standardisation process with which the European aviation safety system will ensure a high and uniform level of safety</p>
comment	<p>3215 comment by: <i>London Biggin Hill Airport</i></p> <p>ADR.AR.B.020(a)(8) What are "enforcement measures" what do this mean, can examples of situations be given.</p>
response	<p><i>Noted</i></p>

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment

3300

comment by: *Southampton Airport*

What are the enforcement measures listed in (a) 8? Can criteria or guidelines be given?

response

Noted

Enforcement is mentioned under Article 10 of the Basic Regulation. There it is said that "Member States shall use any (enforcement) measure (...) to prevent the continuation of an infringement".

Moreover, ICAO Doc. 9774 states that the tasks and responsibilities of an aerodrome oversight authority include cancelling or suspending an aerodrome certificate. While these are the most drastic enforcement measures there are other examples of enforcement measures in the area of aerodrome oversight:

- Financial penalties
- Limitation of operations
- Suspension of certificate (wholly or partly)
- Revocation of certificate
- Revoking an approval

Other examples may include:

- prohibiting the use of a vehicle or equipment because it has not been maintained or because it does not meet the standards;
- prohibiting untrained persons access airside until they are trained;
- suspending RFFS personnel to be used as such because they are not trained as needed;
- (...)

In short the primary legislation for aerodrome safety in Europe (Regulation 216/2008) contains the notion of the use of enforcement measures to

enforce the implementing rules. Europe fulfils its ICAO obligation here as this is a core item of the USOAP questionnaire for this area. Furthermore, ICAO requires policies and procedures for enforcement. Of course enforcement measures should be justified and proportionate.

comment	3326	comment by: <i>DAA Cork Airport</i>
	Add Section (e) Record Availability – The competent authority may agree with certified aerodromes that a variety of records pertaining to these aerodromes is made available to all certified aerodromes for information purposes.	
response	<i>Noted</i>	
	EASA is not in favour of making this a European provision, as the relationship between an airport and its competent authority is a privileged one and the records are also privileged.	

ANNEX I - Part-AR - ADR.AR.C.005 – Oversight

p. 23

comment	103	comment by: <i>Flughafen Düsseldorf GmbH</i>
	(b) This verification shall:	
	(1) be supported by documentation specifically intended to provide personnel responsible for safety oversight with guidance to perform their functions;	
	(2) provide the aerodrome operators and providers of apron management services concerned with the results of safety oversight activity;	
	(3) be based on audits and inspections, <u>including unannounced inspections, where appropriate; and</u> [g1]	
	[g1]Stören die Betriebsabläufe, sollten nicht zulässig sein, angemessene Vorankündigung mit Frist ist notwendig.	
response	<i>Noted</i>	
	It was decided by the drafting group to allow for the possibility of unannounced inspections but add the words “where appropriate”. This is a difference to what is adopted in regulation 290/2012 und ARA.GEN.300(b)(3), where this qualifying addition was not added. The Agency believes that the possibility for unannounced inspections should exist also in the aerodrome domain as a tool for the competent authority, even if it is never to be used.	
comment	158	comment by: <i>CAA-NL</i>
	We suggest to add a subpart (d) the competent authority shall collect and process any information deemed useful for oversight, including ramp and unannounced inspections. All available information should be used in	

	consistency with ARA/ARO.
response	<p><i>Accepted</i></p> <p>The Agency believes it is useful to add ARA.GEN.300 (f) from the regulation 290/2012 on aircrew. However ramp inspections should not be mentioned.</p> <p>Resulting text of ADR.AR.C.005: (d) The competent authority shall collect and process any information deemed useful for oversight, including unannounced inspections, as appropriate.</p>
comment	<p>259 comment by: <i>CAA Norway</i></p> <p>ADR.AR.C.005 (b) (3) on page 23: It should be noted in relation to this regulation that unannounced inspections has to be used sparingly. Even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture. We do not agree to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary.</p>
response	<i>Noted</i>
comment	<p>335 comment by: <i>Danish Transport Authority</i></p> <p>(b) (3) It should be noted in relation to this regulation that unannounced inspections has to be used sparingly. Even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture. We do not agree to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary.</p>
response	<i>Noted</i>
comment	<p>482 comment by: <i>Icelandic Civil Aviation Administration</i></p> <p>ADR.AR.C.005 (b) (3) on page 23: It should be noted in relation to this regulation that unannounced inspections has to be used sparingly. Even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture. We do not agree to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary.</p>
response	<i>Noted</i>
comment	<p>527 comment by: <i>Estonian CAA</i></p> <p>ADR.AR.C.005 (b) (3) on page 23: It should be noted in relation to this regulation that unannounced inspections has to be used sparingly. Even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture. We do not agree</p>

	to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary.
response	<i>Noted</i>
comment	<p>733 comment by: <i>Finnish Transport Safety Agency</i></p> <p>ADR.AR.C.005 (b) (3) on page 23: It should be noted in relation to this regulation that unannounced inspections has to be used sparingly. Even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture. We do not agree to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary.</p>
response	<i>Noted</i>
comment	<p>831 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.C.005 — Oversight (p23) <p><u>2. Justification and proposed text / comment</u></p> <p>The certification basis is specific to each aerodrome and all requirements may not be applicable to every aerodrome. The proposed wording prevents a possible misinterpretation of the text without change in the essence.</p> <p><i>"(a) The competent authority shall verify:</i> <i>(1) compliance with the certification basis and all requirements applicable to each aerodromes and its aerodrome operators prior to the issue of an approval or certificate;</i> <i>[...]"</i></p>
response	<p><i>Not accepted</i></p> <p>This sentence was reviewed and found to be good English. It is not meant to cover the specifics of the certification process but enumerate the competent authority's general verification obligations.</p>
comment	<p>928 comment by: <i>Gatwick Airport Ltd</i></p>
response	<i>Noted</i>
comment	<p>1033 ❖ comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • A. Explanatory Note - II. Process and scope (p5,6): note 2 • Draft Commission Regulation (p2-5): §12 • ANNEX I - Part-AR - ADR.AR.C.005 — Oversight (p23) • ANNEX I - Part-AR - ADR.AR.C.050 — Declarations of providers of

- apron management services (p27-28)
- ANNEX I - Part AR - APPENDIX I (p32-33)
- ANNEX I - Part AR - APPENDIX II (p34-36)
- ANNEX II - Part-OR - ADR.OR.B.060 — Declaration of providers of apron management services (p43-44)
- ANNEX II - Part-OR - APPENDIX II (p61-62)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem (p3)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.C.005 — Oversight (p18)
- AMC/GM to ANNEX II — Part-OR — AMC2-ADR.OR.E.005 — Aerodrome manual (p109-114) - part E - 16

2. General comment

This comment is **critical**.

As it is said in the explanatory note (*II. Process and scope, note 2, pages 5-6*), the Agency did not undertake the development of safety rules for apron management services but later on will initiate a joint group with ATM. However, some procedural rules related to those services are included in the proposed rules.

DGAC considers it is essential to provide the flexibility needed to conduct further debates that will take place in the given joint group.

In particular, the connection between the aerodrome operator and providers of apron management service can not be established without further debates. Indeed, providers of apron management services, when existing, can be independent from the aerodrome operator, with arrangements between these two entities. For example in CDG airport, providers of apron management services are not subcontractors of the CDG operator. Moreover, there is a risk of inconsistency with what will be proposed by the joint group that will propose draft regulation on that point.

Therefore, the procedural rules included in the proposed implementing rules and corresponding AMC/GM shall remain at a high level stage only.

The provisions of the NPA that would consequently need to be revised are dealt with case by case in the proposed texts/comments below:

3. Justification and proposed texts / comments

- This comment is linked with comment 23 in Explanatory Note and 793 in book II.

ADR.AR.C.005 — Oversight: Paragraph (a)(2)

DGAC understands the certification basis is not applicable to providers of apron management services, but it's not clear in paragraph (a)(2) of ADR.AR.C.005.

Providers of apron management services declare their compliance to applicable requirements only, thus the proposed change:

"(a) [...]"

(2) *continued compliance, with the certification basis and/or applicable requirements [...]"*

- ADR.AR.C.050 — Declarations of providers of apron management services

Considering what is said in the general comment just above and the fact that providers of apron management services are not subcontractors of

the aerodrome operator, it would be inappropriate, when the competent authority has to notify something to the apron management services, to systematically notify it also to the aerodrome operator. Moreover, this could induce more delays to solve the problem as it could be understood that the corrective action is to be done by other entities.

Finally, as this is not a requirement, the wording "if required" should be replaced by "when deemed necessary".

Thus DGAC proposes to modify paragraph (b) of ADR.AR.C.050 as follows: *"If the declaration does not contain the required information, or contains information that indicates non-compliance with applicable requirements, the competent authority shall notify the provider of apron management services about the non-compliance and request further information. and If deemed necessary, the competent authority can address a copy of this notification to the aerodrome operator about the non-compliance and request further information. If required-deemed necessary, the competent authority shall carry out an inspection of the provider of apron management services and the aerodrome operator. If the non-compliance is confirmed, the competent authority shall take action as defined in ADR.AR.C.055 towards the apron management service"*

· Part AR - APPENDIX I and APPENDIX II

The name of the provider of apron management service should not be part of the certificate of the aerodrome operator because they can be independent.

APPENDIX I

"[...]

TERMS OF APPROVAL	
Provision of apron management services:	Specify name of service provider

[...]"

APPENDIX II

"[...]

~~Apron management services are provided by [specify name of service provider].~~

[...]"

· ADR.OR.B.060 — Declaration of providers of apron management services

Paragraph (a): DGAC doesn't understand the pertinence of having an agreement with an aerodrome operator.

~~"(a) The provider of apron management services, following an agreement with an aerodrome operator for the provision of such services at an aerodrome, shall:"~~

Paragraph (a)(5): DGAC finds this provision goes too far. Moreover, nobody will verify that the provider of apron management service complies with the aerodrome manual; in particular it's absolutely not the aerodrome operator's task.

~~"(5) provide its services in accordance with the aerodrome manual and comply with all relevant provisions contained therein"~~

Paragraph (b): DGAC doesn't understand the pertinence of notifying the aerodrome operator when ceasing activity.

"(b) Before ceasing the provision of such services, the provider of apron management services shall notify the competent authority ~~and the aerodrome operator.~~"

· Part-OR - APPENDIX II

In order to be clearer, DGAC proposes to clarify that these declarations of the providers of apron management services are declarations "of compliance" (see the proposed titles below).

Moreover, it is essential to delete "The service is provided in accordance with the content of the relevant aerodrome manual" as this is absolutely not high level and as it may induce a risk of inconstancy with the future rules on apron management services.

"Appendix II to Annex II

Declaration of compliance

In accordance with Commission Regulation (EC) No XXX/2013 laying down requirements and procedures related to aerodromes pursuant to Regulation (EC) No 216/ 2008 of the European Parliament and of the Council

[...]

~~ø The service is provided in accordance with the content of the relevant aerodrome manual.~~

[...]

ø (If applicable) The operator has implemented and demonstrated conformance to an officially recognised industry standard.

Reference of the standard: Certification body:

Date of the last conformance audit:

[...]

· AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem

AMC1-ADR.AR.A.030(d) is to be deleted:

~~**"AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem**~~
~~NOTIFICATION OF MEASURES~~

~~In case that the competent authority directs a measure to a provider apron management services, then these measures should also be notified to the aerodrome operator."~~

· AMC1-ADR.AR.C.005 — Oversight

High level provisions in this NPA state that apron management services shall provide a declaration to the competent authority when appropriate. But the oversight of the "continued competence" goes beyond this statement and therefore merits further debates.

Moreover, the word "qualified" should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions.

Thus the following proposed changes to this AMC:

AMC1-ADR.AR.C.005 — Oversight

"GENERAL

(a) The competent authority should assess the aerodrome operator and monitor its continued competence to conduct safe operations in compliance with the applicable requirements and the certification basis-

~~Similarly, the competent authority should monitor the continued competence of providers of apron management services. The competent authority should ensure that accountability for assessing and monitoring aerodrome operators as well as providers apron management services is clearly defined. This accountability may be delegated or shared, in whole or in part.~~

~~(b) It is essential that the competent authority shall have the full capability to adequately assess the continued competence of an aerodrome operator or a provider of apron management services by ensuring that the whole range of activities is assessed by appropriately qualified trained personnel."~~

· AMC2-ADR.OR.E.005 — Aerodrome manual

AMC2-ADR.OR.E.005 includes in the aerodrome manual the procedures for apron management. This is not high level provision and strongly needs further debates, because the relevancy of having apron management procedures in the aerodrome manual is not proven.

For instance, it is possible to imagine a system where the providers of apron management service have their own procedures and the aerodrome operator has nothing to do with them. Chapter 16 of part E of the structure of the aerodrome manual is to be deleted.

Note: DGAC also proposes to put the content of this AMC to GM because of the high level of details that doesn't fit to all organization. See comment xx.

"AMC2GM1-ADR.OR.E.00510 – Structure of aerodrome manual

[...]

~~16. Procedures for apron management including:~~

~~16.1 transfer of the aircraft between air traffic control and the apron management unit;~~

~~16.2 allocation of aircraft parking positions;~~

~~16.3 engine start and aircraft push-back;~~

~~16.4 marshalling and follow-me service.~~

[...]"

response

Not accepted

Not agreed.

As elaborated in the NPA under recital 12 we decided to postpone the work on the rules on the provision of Apron Management Services. Please watch the EASA web pages for the Terms of Reference on this matter. The administrative rules inside the authority requirements we nevertheless already elaborated in order to not have to touch them again later. Therefore we maintain our view that the rules are needed. On certain of them we made their coming into effect dependent on the service provision rules being there (Art. 11):

"Articles ADR.AR.C.050 and ADR.OR.B.060 contained in Annex I and II to this Regulation, as well as Appendix II to Annex II, shall come into force when the Implementing Rules regarding the provision of apron management services shall be in effect. Articles ADR.AR.A.015 and ADR.OR.A.015 shall not apply for providers of apron management services until the Implementing Rules regarding the provision of apron management services shall be in effect."

Furthermore more specifically on ADR.AR.C.005 — Oversight: Paragraph (a)(2):

Not agreed. The rule ADR.AR.C.005 is about the scope of the oversight to be done by the Competent authority and this includes to verify that AMS

providers that have declared their activity are initially in compliance (a)(1) and remain in compliance of the rules that are applicable to them. It is not meant to cover the specifics of the declaration process but enumerate the competent authority's general verification obligations.

comment	1654	comment by: <i>Swedish Transport Agency</i>
	ADR.AR.C.005 (b) (3) on page 23: It should be noted in relation to this regulation that unannounced inspections has to be used sparingly. Even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture. We do not agree to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary.	
response	<i>Noted</i>	

comment	1760	comment by: <i>UK CAA</i>
	<p>Page No: 23</p> <p>Paragraph No: ADR.AR.C.005</p> <p>Comment: The requirements in ADR.AR.C.005 follow closely the equivalent requirements in IRs already agreed for Aircrew and Operations, namely ARA.GEN.300 and ARO.GEN.300, except that the requirement to collect and process information, found at ARA.GEN.300 (f) and ARO.GEN.300 (f) is omitted. This difference should be justified or resolved.</p> <p>Justification: The UK CAA supports using consistent provisions in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified. Moreover, the existence of a requirement in one area and not in another suggests a difference of intent. For sake of clarity and consistency the missing text should be inserted, except for the reference to ramp inspections which is not relevant.</p> <p>Proposed Text: Add new text "(d) The competent authority shall collect and process any information deemed useful for oversight, including for unannounced inspections".</p>	
response	<p><i>Accepted</i></p> <p>The Agency believes it is useful to add ARA.GEN.300 (f) from the regulation 290/2012 on aircrew. However ramp inspections should not be mentioned.</p> <p>Resulting text of ADR.AR.C.005: (d) The competent authority shall collect and process any information deemed useful for oversight, including unannounced inspections, as appropriate.</p>	

comment	1992	comment by: <i>ENAC Ente Nazionale per l'Aviazione Civile</i>
	In order to better represent the logical sequence, we recommend the	

	<p>following changes in the order of the requirements in subpart C (Certification, Oversight and Enforcement) : C.015, C.020, C.025, C.035, C.005, C.010</p>
response	<p><i>Noted</i></p> <p>The idea of the order as it stand is that the principles of oversight are first spelled out under ADR.AR.C.005, after which the oversight programme and its set up is being described. Then the particulars of the certification and approvals would be dealt with. There is of course other logics which could have been applied, but this one was adopted in the area for air operations 290/2012, so that it would not be advisable to change the order in the aerodrome area as it would now suggests a difference of intent.</p>
comment	<p>2114 <i>comment by: Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i></p> <p>The detailed provision of subpart C dealing with matters other than aerodrome certification should be deleted as they are interfering with the organizational sovereignty of the Member States! Instead of deleting, EASA/COM may decide that those rules be shifted to GM at least in order to allow for the necessary flexibility for customized compliance as required by Art. 8a para 6 subpara (e) BR (see our detailed comment on Annex I Part-AR Subpart A, A.001). In light of that option, any further comments made on the rules of subpart C may still be helpful and, therefore, shall not be regarded as to overrule, or to contradict, this general statement.</p>
response	<p><i>Noted</i></p> <p>Subpart C is representing the total system approach that the European legislator foresees for its regulatory system and that is contained in ICAO's 8 critical elements (in particular CE 6 Licencing, certification, authorization and/or approval obligations). The relevant SARPs are to be found in the forthcoming Annex 19, which the Agency is transposing for Europe amongst other things with the requirements for management systems of the competent authorities.</p> <p>Moreover, the Agency believes that the detail is provides in needed in all aviation domains, as they will replace relevant national legislation. Using only the legal instrument of guidance material would not fulfil the ICAO obligations and not allow for legal certainty for organisations subject to the certification requirement. The subsidiarity principle was considered at the inception and extension of the the Agency competences. It is not to be done again after the European legislator decided to have the Agency draft common rules for the area. Please see Art. 8a of the BR.</p>
comment	<p>3069 <i>comment by: BMVBS - Federal Ministry of Transport, Building and Urban Development</i></p> <p>General comment on Subpart C: The detailed provisions of this subpart dealing with matters other than aerodrome certification should be deleted as they are interfering with the organizational sovereignty of the Member States. However, Germany is of course prepared to actively promote an uniform level of safety in Europe, but we strongly demand the flexibility to decide</p>

	on a national level how to fulfill the objectives of the BR.
response	<p><i>Noted</i></p> <p>Subpart C is representing the total system approach that the European legislator foresees for its regulatory system and that is contained in ICAO's 8 critical elements (in particular CE 6 Licencing, certification, authorization and/or approval obligations). The relevant SARPs are to be found in the forthcoming Annex 19, which EASA is transposing for Europe amongst other things with the requirements for management systems of the competent authorities.</p>
comment	<p>3077 <i>comment by: MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i></p> <p>General Comment to ADR AR - Subpart C Already established formal administrative procedures related to the issuance of national approvals or "certificates" respectively or national legal and administrative provisions for exercising supervision should be recognized as an alternative of equal value to the proposed rules of procedure set forth in ADR.AR.C.005 et seq. This is also supported by the fundamental EC/EU principles of subsidiary and proportionality (Art. 5 of the Treaty) and it matches better with the Member States' sovereignty. For this purpose the draft version of Subpart C should only define the main objectives to be achieved, i.e. effective oversight, certification and respective enforcement ensured by the Member States. Meanwhile, the current wording of Subpart C might serve well as an example of compliance and should therefore become part of AMC or GM</p>
response	<p><i>Noted</i></p> <p>Noted.</p> <p>Subpart C is representing the total system approach that the European legislator foresees for its regulatory system and that is contained in ICAO's 8 critical elements (in particular CE 6 Licencing, certification, authorization and/or approval obligations). The relevant SARPs are to be found in the forthcoming Annex 19, which EASA is transposing for Europe amongst other things with the requirements for management systems of the competent authorities.</p> <p>Moreover, the Agency believes that the detail is provides in needed in all aviation domains, as they will replace relevant national legislation. Using only the legal instrument of guidance material would not fulfil the ICAO obligations and not allow for legal certainty for organisations subject to the certification requirement. The subsidiarity principle was considered at the inception and extension of the Agency competences. It is not to be done again after the European legislator decided to have the Agency draft common rules for the area. Please see Art. 8a of the BR.</p>
comment	<p>3115 <i>comment by: Isavia</i></p> <p>ADR.AR.C.005 (b) (3) on page 23: It should be noted in relation to this regulation that unannounced inspections has to be used sparingly. Even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture. We do not agree</p>

	to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary.
response	<i>Noted</i>

ANNEX I - Part-AR - ADR.AR.C.010 – Oversight programme

p. 23-24

comment	70	comment by: <i>CAA Norway</i>
	The word "meetings" should be deleted in ADR.AR.C.010 (b) on p. 23 as "opening meetings", "intermediate meetings" and "closing meetings" are an internal part of an audit (see ISO 19011). Extra meetings are not needed here to mandate competent authorities to do so during each audit cycle. A call for an extra meeting can always take place if the competent authority wishes for it.	

response	<i>Accepted</i>
	The notion of meetings other than those in the context of an audit was deleted.

comment	104	comment by: <i>Flughafen Düsseldorf GmbH</i>
	(c) For each aerodrome and its operator an oversight planning cycle not exceeding <u>48 months [g1]</u> shall be applied.	
	<u>[g1]</u> Frist sollte verlängert werden.	

response	<i>Not accepted</i>
	Since the NPA, the rule ADR.AR.C.010 was changed to make it more safety performance and risk based oriented. This means that the oversight planning cycle be made appropriate to the safety performance, the past audit results and the current risk profile of the aerodrome or provider of apron management services, but shall never exceed 48 months. The safety performance and risk profile should be annually determined and reviewed, so that the related oversight programme can be adjusted to the results of these reviews. In order to support this approach the AMC on the oversight audit cycle and oversight programme was changed to provide the criteria to be used. The notion of meetings other than those in the context of an audit was deleted.

comment	105	comment by: <i>Flughafen Düsseldorf GmbH</i>
	(d) (d) For providers of apron management services declaring their activity to the competent authority, the oversight programme shall be developed taking into account the specific nature of the organisation, the complexity of its	

activities, the results of past oversight activities and shall be based on the assessment of associated risks. It shall include audits and inspections, including unannounced inspections, [g1] as appropriate.

[g1]s.o., nur nach Vorankündigung

response *Noted*

It was decided by the drafting group to allow for the possibility of unannounced inspections but add the words "as appropriate". This is also what was adopted in Regulation 290/2012 and ARA.GEN.305(b)(1). The Agency believes that the possibility for unannounced inspections should exist also in the aerodrome domain as a tool for the competent authority, even if it is never to be used.

comment

159

comment by: CAA-NL

We suggest in (b) to change 'meetings' into 'meetings with the accountable manager'. It should not be just any meeting but with the ultimate responsible manager.

response *Noted*

Meetings with the accountable manager are indeed found in ARA.GEN.305(b)(2). However for the airport domain this was not chosen at the level of the IR but can be found under the AMC1ADR.AR.C.010 (b) to (e) – Oversight Programme and there under (d). They are not put at the level of the rule.

comment

260

comment by: CAA Norway

ADR.AR.C.010 (b) on page 23: It should be noted in relation to this regulation that unannounced inspections shall to be used sparingly and a reminder that even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture. We do not agree to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary.

response *Noted*

It was decided by the drafting group to allow for the possibility of unannounced inspections but add the words "as appropriate". This is also what was adopted in Regulation 290/2012 and ARA.GEN.305(b)(1). The Agency believes that the possibility for unannounced inspections should exist also in the aerodrome domain as a tool for the competent authority, even if it is never to be used.

comment

289

comment by: BAA Airside operations

(c) BAA supports the oversight planning cycle being 48 months. There is a lot of infrastructure at an airport and so this is a reasonable timeframe.

response *Noted*

comment	336 comment by: <i>Danish Transport Authority</i>
	(b) "Meetings" should be left out as well as unannounced inspections. These meetings (high level) and unannounced inspections can be in GM with associated description on how to use these methods during a oversight period. Because of the large variety of aerodromes as mentioned under the subject, the need for "meetings" and other methods will be different. Also notice the intentions in subject AMC1-ADR.AR.C.010 (c)(d) in B.II page 19
response	<i>Noted</i>
	It was decided by the drafting group to allow for the possibility of unannounced inspections but add the words "as appropriate". This is also what was adopted in Regulation 290/2012 and ARA.GEN.305(b)(1). The Agency believes that the possibility for unannounced inspections should exist also in the aerodrome domain as a tool for the competent authority, even if it is never to be used.
comment	337 comment by: <i>Danish Transport Authority</i>
	(c) If Apron Management service will be referred to separately the oversight planning cycle should be the same as aerodromes and aerodrome operators
response	<i>Noted</i>
	In the EASA system the concept of the declaration process for certain organisation does not include a set oversight cycle. The lighter regulatory approach that is the declaration of an activity includes the possibility of audits and inspections but does not make them obligatory in a set cycle. See also ARO.GEN.305 (d) under Regulation 290/2012.
comment	338 comment by: <i>Danish Transport Authority</i>
	(d) As comments under subparagraph (b) the meetings are not included under this part. Again unannounced inspections can be in GM.
response	<i>Noted</i>
	It was decided by the drafting group to allow for the possibility of unannounced inspections but add the words "as appropriate". This is also what was adopted in Regulation 290/2012 and ARA.GEN.305(b)(1). The Agency believes that the possibility for unannounced inspections should exist also in the aerodrome domain as a tool for the competent authority, even if it is never to be used.
comment	375 comment by: <i>Edinburgh Airport</i>
	ADR.AR.C.010 (c) - Support Justification - Edinburgh Airport supports the oversight planning cycle being 48 months. There is significant infrastructure at an airport and 48 months is a reasonable timeframe.

response	<i>Noted</i>
comment	<p>483 <i>comment by: Icelandic Civil Aviation Administration</i></p> <p>The word "meetings" should be deleted in ADR.AR.C.010 (b) on p. 23 as "opining metings", "intermitiate meetings" and "closing meetings" are an internal part of an audit (see ISO 19011). Extra meetings are not necessary to mandate competent authorities to do during each audit cycle. A call for an extra meeting can always take place if the competent authority wishes for it.</p>
response	<p><i>Accepted</i></p> <p>It is clear to EASA that audits include meetings. This IR is not meant to impose further meetings if they are not necessary, but wanted to give the possibility for further meetings. However, if this is not appreciated as an option then EASA can drop it.</p>
comment	<p>484 <i>comment by: Icelandic Civil Aviation Administration</i></p> <p>ADR.AR.C.010 (b) on page 23: It should be noted in relation to this regulation that unannounced inspections shall to be used sparingly and a reminder that even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture. We do not agree to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary.</p>
response	<p><i>Noted</i></p> <p>It was decided by the drafting group to allow for the possibility of unannounced inspections but add the words "as appropriate". This is also what was adopted in Regulation 290/2012 and ARA.GEN.305(b)(1). The Agency believes that the possibility for unannounced inspections should exist also in the aerodrome domain as a tool for the competent authority, even if it is never to be used.</p>
comment	<p>485 <i>comment by: Icelandic Civil Aviation Administration</i></p> <p>ADR.AR.C.010 (C) - There is a need to define the term "oversight planning cycle" in the following way: "An oversight planning cycle means a time period where all applicable requirements are verified with audits and inspections."</p>
response	<p><i>Accepted</i></p> <p>EASA has introduced a definition reading the following: 'Oversight planning cycle' means a time period where all applicable requirements are verified with audits and inspections.</p>
comment	<p>486 <i>comment by: Icelandic Civil Aviation Administration</i></p> <p>ADR.AR.C.010 (d) It should be noted in relation to this regulation that unannounced inspections shall to be used sparingly and a reminder that even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired</p>

	cooperative safety culture.	
response	<i>Noted</i>	
	It was decided by the drafting group to allow for the possibility of unannounced inspections but add the words "as appropriate". This is also what was adopted in Regulation 290/2012 and ARA.GEN.305(b)(1). The Agency believes that the possibility for unannounced inspections should exist also in the aerodrome domain as a tool for the competent authority, even if it is never to be used.	
comment	529	comment by: <i>Estonian CAA</i>
	"ADR.AR.C.010 (b) on page 23: It should be noted in relation to this regulation that unannounced inspections shall to be used sparingly and a reminder that even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture. We do not agree to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary."	
response	<i>Noted</i>	
	It was decided by the drafting group to allow for the possibility of unannounced inspections but add the words "as appropriate". This is also what was adopted in Regulation 290/2012 and ARA.GEN.305(b)(1). The Agency believes that the possibility for unannounced inspections should exist also in the aerodrome domain as a tool for the competent authority, even if it is never to be used.	
comment	572	comment by: <i>Belfast International Airport - BFS/EGAA</i>
	Strongly agree with the oversight planning cycle being 48 months.	
response	<i>Noted</i>	
comment	626	comment by: <i>Bristol Airport - BRS/EGGD</i>
	ADR.AR.C.010 (c)	Support Bristol Airport supports the oversight planning cycle being 48 months. There is significant infrastructure at an airport and 48 months is a reasonable timeframe.
response	<i>Noted</i>	
comment	640	comment by: <i>Exeter International Airport</i>
	ADR.AR.C.010 (c) : Exeter Airport supports the oversight planning cycle being 48 months. There is varying infrastructure at our airport and 48 months is a reasonable timeframe.	
response	<i>Noted</i>	
comment	930	comment by: <i>Gatwick Airport Ltd</i>

response	(c) London Gatwick supports the oversight planning cycle being 48 months. There is significant infrastructure at an airport and 48 months is a reasonable timeframe. <i>Noted</i>
comment	1000 comment by: <i>Dublin Airport Authority</i> (e)The oversight programme shall include records of the dates when meetings, audits and inspections are due and when such meetings, audits and inspections are carried out. This schedule will be supplied to the aerodrome operators when compiled.
response	<i>Not accepted</i> EASA is not in favour of making this a European provision, as the planning of the competent authority is privileged. EASA has provided GM for the announcement of inspections: GM3-ADR.AR.C.010(b) – Oversight programme AUDITS, INSPECTIONS AND OVERSIGHT PROCEDURES Normally the inspections that are carried out by the competent authority should be with prior notice to the aerodrome operator or the provider apron management services. Such notice should be given in writing and in good time before the inspection, so that the inspected entity can make all the necessary arrangements and preparations and to avoid the disruption of normal operations. In case an inspection is conducted without prior notice, the aerodrome inspectors should ensure that the operations are affected to the minimum extent possible.
comment	1257 comment by: <i>Blackpool Airport - BLK/EGNH</i> ADR.AR.C.010 (c) : Blackpool Airport supports the oversight planning cycle being 48 months. There is varying infrastructure at our airport and 48 months is a reasonable timeframe.
response	<i>Noted</i>
comment	1301 comment by: <i>CAA Norway</i> We support the oversight planning cycle being 48 months.
response	<i>Noted</i>
comment	1491 comment by: <i>Aberdeen Airport Airside Operations</i> (c) Support - BAA Aberdeen supports the oversight planning cycle being 48 months. There is a lot of infrastructure at the airport and so this is a reasonable timeframe.
response	<i>Noted</i>

comment	<p>1507 comment by: <i>Stansted Airport</i></p> <p>ADR.AR.C.010 (c)</p> <p>Support</p> <p>Stansted Airport supports the oversight planning cycle being 48 months. There is a lot of infrastructure at an airport and so this is a reasonable timeframe.</p>
response	<p><i>Noted</i></p>
comment	<p>1548 comment by: <i>London Luton Airport Operations Ltd</i></p> <p>London Luton Airport Operations Ltd supports the period at (c) of 48 months</p>
response	<p><i>Noted</i></p>
comment	<p>1657 comment by: <i>Swedish Transport Agency</i></p> <p>ADR.AR.C.010 (b) on page 23: It should be noted in relation to this regulation that unannounced inspections shall to be used sparingly and a reminder that even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture. We do not agree to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary.</p>
response	<p><i>Noted</i></p> <p>It was decided by the drafting group to allow for the possibility of unannounced inspections but add the words "as appropriate". This is also what was adopted in Regulation 290/2012 and ARA.GEN.305(b)(1). The Agency believes that the possibility for unannounced inspections should exist also in the aerodrome domain as a tool for the competent authority, even if it is never to be used.</p>
comment	<p>1761 comment by: <i>UK CAA</i></p> <p>Page No: 23</p> <p>Paragraph No: ADR.AR.C.010(c)</p> <p>Comment: The UK CAA supports the oversight planning cycle being set at 48 months.</p> <p>Justification: The requirements in ADR.AR.C.010 on the oversight programme follow closely the equivalent requirements in IRs already agreed for Aircrew and Operations, namely ARA.GEN.305 and ARO.GEN.305, except with regards to paragraph (c), where material in those earlier requirements have been moved to an AMC (AMC1-ADR.AR.C.010 (c)). The UK CAA considers that this particular difference can be justified. It reflects the existing UK practice which has been demonstrated to achieve an appropriate level of safety, and enables the competent authority to utilise a risk-based approach to aerodrome</p>

response	oversight. <i>Noted</i>
comment	1790 comment by: <i>Geneva International Airport (ROMIG)</i> ADR.AR.C.010 (e) There is an "and" too many at the end of the sentence. "...inspections and have been..."
response	<i>Accepted</i> Text was corrected.
comment	2022 comment by: <i>Airport Operators Association</i> ADR.AR.C.010 (c) AOA supports the oversight planning cycle being 48 months. Justification - There is significant infrastructure at an airport and 48 months is a reasonable compliance timeframe.
response	<i>Noted</i>
comment	2364 comment by: <i>Dublin Airport Authority</i> Suggested amendment to part (e) The oversight programme shall include records of the dates when meetings, audits and inspections are due and when such meetings, audits and inspections are carried out and this schedule will be supplied to the aerodrome operator when compiled.
response	<i>Not accepted</i> EASA is not in favour of making this a European provision, as the planning of the competent authority is privileged. EASA has provided GM for the announcement of inspections: GM3-ADR.AR.C.010(b) – Oversight programme AUDITS, INSPECTIONS AND OVERSIGHT PROCEDURES <i>Normally the inspections that are carried out by the competent authority should be with prior notice to the aerodrome operator or the provider apron management services.</i> <i>Such notice should be given in writing and in good time before the inspection, so that the inspected entity can make all the necessary arrangements and preparations and to avoid the disruption of normal operations.</i> <i>In case an inspection is conducted without prior notice (unannounced inspections) the aerodrome inspectors should ensure that the operations are affected to the minimum extent possible.</i>
comment	2393 comment by: <i>East Midlands Airport - EMA/EGNX</i> (c) East Midlands Airport supports this proposal. EMA supports the oversight planning cycle being 48 months. There is significant infrastructure at an airport and 48 months is a reasonable timeframe.

response	<i>Noted</i>	
comment	2598 <i>comment by: Infratil Airports Europe Ltd</i>	
	Page No: 23	
	Paragraph No: ADR.AR.C.010 (c)	
	Comment: IAEL support this	
	Justification: IAEL supports the oversight planning cycle being 48 months. There is significant infrastructure at an airport and 48 months is a reasonable timeframe.	
	Proposed Text: No change to text	
response	<i>Noted</i>	
comment	2657 <i>comment by: HIA - Highlands and Islands Airports Limited</i>	
	C.010 (c) - Oversight Planning Cycle of 48 months - fully support	
response	<i>Noted</i>	
comment	2687 <i>comment by: LJL Airport - Liverpool John Lennon Airport</i>	
	ADR.AR.C.010 (c)	Support LJLA supports the oversight planning cycle being 48 months. There is significant infrastructure at an airport and 48 months is a reasonable timeframe.
response	<i>Noted</i>	
comment	2846 <i>comment by: Norwich International Airport</i>	
	Norwich International Airport (NIA) supports the oversight planning cycle being 48 months. There is significant infrastructure at an airport and 48 months is a reasonable timeframe.	
response	<i>Noted</i>	
comment	2985 <i>comment by: DAA Cork Airport</i>	
	The oversight programme shall include records of the dates when meetings, audits and inspections are due and when such meetings, audits and inspections are carried out and this schedule will be supplied to the aerodrome operator when compiled.	
response	<i>Not accepted</i>	
	EASA is not in favour of making this a European provision, as the planning of the competent authority is privileged. EASA has provided GM for the announcement of inspections: GM3-ADR.AR.C.010(b) – Oversight programme AUDITS, INSPECTIONS AND OVERSIGHT PROCEDURES	

Normally the inspections that are carried out by the competent authority should be with prior notice to the aerodrome operator or the provider apron management services.

Such notice should be given in writing and in good time before the inspection, so that the inspected entity can make all the necessary arrangements and preparations and to avoid the disruption of normal operations.

In case an inspection is conducted without prior notice (unannounced inspections) the aerodrome inspectors should ensure that the operations are affected to the minimum extent possible.

comment **3116** comment by: *Isavia*

The word "meetings" should be deleted in ADR.AR.C.010 (b) on p. 23 as "opening meetings", "intermediate meetings" and "closing meetings" are an internal part of an audit (see ISO 19011). Extra meetings are not necessary to mandate competent authorities to do during each audit cycle. A call for an extra meeting can always take place if the competent authority wishes for it.

response *Accepted*

It is clear to EASA that audits include meetings. This IR is not meant to impose further meetings if they are not necessary, but wanted to give the possibility for further meetings. However, if this is not appreciated as an option then EASA can drop it.

comment **3117** comment by: *Isavia*

ADR.AR.C.010 (b) on page 23: It should be noted in relation to this regulation that unannounced inspections shall to be used sparingly and a reminder that even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture.

We do not agree to plan a certain number of unannounced inspections in advance, only to have the option for use if necessary.

response *Noted*

It was decided by the drafting group to allow for the possibility of unannounced inspections but add the words "as appropriate". This is also what was adopted in Regulation 290/2012 and ARA.GEN.305(b)(1). The Agency believes that the possibility for unannounced inspections should exist also in the aerodrome domain as a tool for the competent authority, even if it is never to be used.

comment **3118** comment by: *Isavia*

There is a need to define the term "oversight planning cycle" in the following way: "An oversight planning cycle means a time period where all applicable requirements are verified with audits and inspections."

response *Accepted*

EASA has introduced a definition reading the following: 'Oversight

planning cycle' means a time period where all applicable requirements are verified with audits and inspections.

comment	3119	comment by: <i>Isavia</i>
	ADR.AR.C.010 (d) It should be noted in relation to this regulation that unannounced inspections shall to be used sparingly and a reminder that even though deemed necessary to be available to the competent authority, this sort of activity works in principle against the desired cooperative safety culture.	
response	<i>Noted</i>	
	It was decided by the drafting group to allow for the possibility of unannounced inspections but add the words "as appropriate". This is also what was adopted in Regulation 290/2012 and ARA.GEN.305(b)(1). The Agency believes that the possibility for unannounced inspections should exist also in the aerodrome domain as a tool for the competent authority, even if it is never to be used.	
comment	3213	comment by: <i>London Biggin Hill Airport</i>
	ADR.AR.C.010 (c) We fully support the oversight planning cycle being 48 months.	
response	<i>Noted</i>	
comment	3297	comment by: <i>Southampton Airport</i>
	Southampton Airport and BAA support the 48 hour oversight planning cycle.	
response	<i>Noted</i>	
comment	3601	comment by: <i>CAA CZ</i>
	<p>Comment by Karlovy Vary airport</p> <p>We proposed new wording of whole paragraphs b) through e) :</p> <p>„ADR.AR.C.010 — Oversight programme</p> <p>(b) For each aerodrome, its operator and AMSP the oversight programme shall be developed taking into account the specific nature of the organisation, the complexity of its activities, the results of past certification and oversight activities and shall be based on the assessment of the associated risks. It shall include within each oversight planning cycle, meetings, audits and inspections, including unannounced inspections, as appropriate.</p> <p>(c) For each aerodrome, its operator and AMSP an oversight planning cycle shall be established in accordance with AMC1-ADR.AR.C.010(c) but not exceeding 48 months.</p> <p>(d) The oversight programme shall include records of the dates when meetings, audits and inspections are due and when such meetings, audits and inspections have been carried out.“</p>	
response	<i>Noted</i>	
	Comment was moved from B II (where it was comment 1748) to B I	

(where it is now comment 3601).

ANNEX I - Part-AR - ADR.AR.C.015 – Initiation of certification process p. 24

comment 929 comment by: *Gatwick Airport Ltd*

response *Noted*

comment 973 comment by: *NATS National Air Traffic Services Limited*

ADR.AR.C.015(a)

The text refers to ADR.OR.B.010 which is "Allocation of tasks" which does not appear to relate to eligibility criteria.

response *Noted*

The text refers to ADR.**OR**.B.010, which indeed eligibility on the side of the organisation requirements. Meanwhile the rule ADR.**OR**.B.010 was abolished, so the reference to it in ADR.AR.C.015(a) was deleted.

comment 974 comment by: *NATS National Air Traffic Services Limited*

ADR.AR.C.015(b)(1)

Does not read correctly as a continuation of the introductory sentence ("..notify the applicant of: of the established...") Suggest the deletion of "of" in (b) (1).

response *Accepted*

comment 1332 comment by: *MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen*

Neither Basic Regulation nor ADR.AR.C.015 / ADR.OR.B.010 provide for any detailed criteria on the basis of which the applicant's eligibility may be verified. ADR.OR.B.010 rules out that a person shall be eligible for a certificate when he/she has shown compliance with the applicable requirements of the Basic Regulation and its Implementing Rules. That would refer to the result of the certification process. According to ADR.AR.C.015, the eligibility verification is, however, meant to be the first step into the certification process. Therefore, it is necessary to specify as to which extent the authority should be required to conduct the relevant verification.

Therefore please define eligibility criteria

response	<p><i>Accepted</i></p> <p>The proposed rules ADR.AR.C.015 and ADR.OR.B.010 are without prejudice to applicable national and EU law. For instance, certain national law may not allow a certificate to be granted to a person on grounds of nationality, previous criminal activity etc. Such provisions remain unaffected by the proposed rules. Therefore, the competent authority should verify compliance to the extent that is necessary to comply with such provisions, (if any) as it would do prior to the proposed rules. However the rules were changed in order to not imply that there are criteria stemming from this regulation.</p>
comment	<p>1762 comment by: UK CAA</p> <p>Page No: 24</p> <p>Paragraph No: ADR.AR.C.015 (c)</p> <p>Comment: The UK CAA asks whether paragraph (c) is a transition provision that might more appropriately be found in the Cover Regulation or at least referenced there.</p> <p>Justification: Consistency with placement of transitional measures in Aircrew and Operations Implementing Rules.</p> <p>Proposed Text: Either delete sub-paragraph (c) and move to draft Cover Regulation, or provide a cross-reference in Cover Regulation.</p>
response	<p><i>Noted</i></p> <p>We agree that this provision seems to be a transitional measure. However the address of the Cover Regulation is the Member State and not the competent authority. Therefore and also because the case of existing airports is very frequent, this requirements is placed in the Authority Requirements. In fact we have moved another section of a rule from the cover regulation to the AR side; one that requires the competent authority to ensure that those aerodromes losing their exemption shall apply for a certificate. It seemed also for the above reasons misplaced in the cover regulation that addresses itself to the competent authority.</p>
comment	<p>1791 comment by: Geneva International Airport (ROMIG)</p> <p>ADR.AR.C.015 (c) Delete the "of" in the last scentence so as to read "...within the shortest time period..."</p>
response	<p><i>Accepted</i></p> <p>Text was changed.</p>
comment	<p>2066 comment by: Ministry of Infrastructure and Agriculture of Brandenburg</p> <p>The definion of „eligibility“ is not sufficient</p>

response	<p><i>Accepted</i></p> <p>The proposed rules ADR.AR.C.015 and ADR.OR.B.010 are without prejudice to applicable national and EU law. For instance, certain national law may not allow a certificate to be granted to a person on grounds of nationality, previous criminal activity etc. Such provisions remain unaffected by the proposed rules. Therefore, the competent authority should verify compliance to the extent that is necessary to comply with such provisions, (if any) as it would do prior to the proposed rules. However the rules were changed in order to not imply that there are criteria stemming from this regulation.</p>
comment	<p>2116 comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i></p> <p>Neither Basic Regulation nor ADR.AR.C.015 / ADR.OR.B.010 provide for any detailed criteria on the basis of which the applicant's eligibility may be verified. ADR.OR.B.010 rules out that a person shall be eligible for a certificate when he/she has shown compliance with the applicable requirements of the Basic Regulation and its Implementing Rules. That would refer to the result of the certification process. According to ADR.AR.C.015, the eligibility verification is, however, meant to be the first step into the certification process. Therefore, it is necessary to specify as to which extent the authority should be required to conduct the relevant verification.</p>
response	<p><i>Accepted</i></p> <p>The proposed rules ADR.AR.C.015 and ADR.OR.B.010 are without prejudice to applicable national and EU law. For instance, certain national law may not allow a certificate to be granted to a person on grounds of nationality, previous criminal activity etc. Such provisions remain unaffected by the proposed rules. Therefore, the competent authority should verify compliance to the extent that is necessary to comply with such provisions, (if any) as it would do prior to the proposed rules. However the rules were changed in order to not imply that there are criteria stemming from this regulation.</p>
comment	<p>2196 comment by: <i>AESA - Agencia Estatal de Seguridad Aérea</i></p> <p>(b) If the competent authority is satisfied that the applicant meets the eligibility criteria, it shall assess the application and notify the applicant of: (1) <u>of</u> the established certification basis, in accordance with ADR.AR.C.020</p> <p><i>Remove the word of</i></p>
response	<p><i>Accepted</i></p> <p>Text was changed.</p>
comment	<p>2276 comment by: <i>Luftfahrtbehörde Schleswig-Holstein</i></p> <p>Eligibility is not defined sufficiently. The reference to ADR.OR.B.010 doesn't clear up the eligibility criteria.</p>

response

Accepted

The proposed rules ADR.AR.C.015 and ADR.OR.B.010 are without prejudice to applicable national and EU law.

For instance, certain national law may not allow a certificate to be granted to a person on grounds of nationality, previous criminal activity etc. Such provisions remain unaffected by the proposed rules.

Therefore, the competent authority should verify compliance to the extent that is necessary to comply with such provisions, (if any) as it would do prior to the proposed rules.

However the rules were changed in order to not imply that there are criteria stemming from this regulation.

comment

3071

comment by: *BMVBS - Federal Ministry of Transport, Building and Urban Development*

Neither the Basic Regulation nor ADR.AR.C.015 / ADR.OR.B.010 provide for any detailed criteria on the basis of which the applicant's eligibility may be verified. ADR.OR.B.010 rules out that a person shall be eligible for a certificate when he/she has shown compliance with the applicable requirements of the Basic Regulation and its Implementing Rules. This would refer to the results of the certification process. According to ADR.AR.C.015, the eligibility verification is, however, meant to be the first step into the certification process. Therefore, it is necessary to specify as to which extent the authority should be required to conduct the relevant verification.

response

Accepted

The proposed rules ADR.AR.C.015 and ADR.OR.B.010 are without prejudice to applicable national and EU law.

For instance, certain national law may not allow a certificate to be granted to a person on grounds of nationality, previous criminal activity etc. Such provisions remain unaffected by the proposed rules.

Therefore, the competent authority should verify compliance to the extent that is necessary to comply with such provisions, (if any) as it would do prior to the proposed rules.

However the rules were changed in order to not imply that there are criteria stemming from this regulation.

comment

3602

comment by: *CAA CZ*

We proposed new wording of whole paragraphs a) through c) :

ADR.AR.C.015 – Initiation of certification process

(a) Competent authority shall establish form and manner of the application for issuance of the certificate. Upon receiving an application for the initial issue of a certificate, the competent authority shall verify the applicant's compliance with the eligibility criteria of Article ADR.OR.B.010.

(b) If the competent authority is satisfied that the applicant meets the eligibility criteria, it shall assess the application and notify the applicant of:

(1) the established certification basis, in accordance with ADR.AR.C.020;

(c) In case of an existing aerodrome, the competent authority shall prescribe the conditions under which the aerodrome operator shall operate during the certification period. The competent authority shall suspend the operation of the aerodrome if the aerodrome operator does not comply with the prescribed conditions. The competent authority shall inform the

aerodrome operator in writing on expected schedule for certification process and conclude the certification within the shortest of time period practicable.

response *Partially accepted*

Comment was wrongly placed. The comment was a comment under B II where it had the number 1752.

First addition on automatic suspension:

Not agreed.

The change on the automatic suspension when operation under conditions is not followed was not taken on-board, because this applies to anyway when a condition or limitation imposed by an authority is not being followed.

Second addition on schedule:

Agreed. Text was changed.

ANNEX I - Part-AR - ADR.AR.C.020 – Certification basis

p. 24

comment 235 comment by: *SWISS AERODROMES ASSOCIATION*
letters a), b) and c) are alternative. This should be clearly stated.

response *Not accepted*

The competent authority shall on the basis of a proposal by the aerodrome operator establish a CB, which in an ideal case, would be made up of aerodrome elements that meet all the applicable CS, or (as is more realistic) establish a CB that is made up of aerodrome elements that meet SOME applicable CS and for whose other elements an ELOS was proposed and accepted or a special condition was determined by the competent authority. For more information on this process please read the information under FAQs on the dedicated web page by the rulemaking directorate: <http://www.easa.europa.eu/atm/faq.html>.

comment 931 comment by: *Gatwick Airport Ltd*

response *Noted*

comment 1624 comment by: *Zürich Airport*

Paragraphs (a), (b) and (c) are alternatives within the certification process - it has to be considered.

response *Not accepted*

The competent authority shall on the basis of a proposal by the aerodrome operator establish a CB, which in an ideal case, would be made up of aerodrome elements that meet all the applicable CS, or (as is more realistic) establish a CB that is made up of aerodrome elements that meet SOME applicable CS and for whose other elements an ELOS was proposed and accepted or a special condition was determined by the competent

authority. For more information on this process please read the information under FAQs on the dedicated web page by the rulemaking directorate: <http://www.easa.europa.eu/atm/faq.html>.

comment	<p>2197 comment by: AESA - Agencia Estatal de Seguridad Aérea</p> <p>The certification basis to be notified to an applicant by the competent authority shall consist of: (a) the applicable Certification Specifications issued by the Agency, related to the type and operation of the aerodrome and which are effective on the date of application for that certificate (...)</p> <p><i>It should specify if Authorities could use as Certification basis, a specification more restrictive than Agency's CS. In particular, it should be specified if Authorities could use the GM included in book 2 as CS.</i></p>
response	<p><i>Not accepted</i></p> <p>The EASA Guidance material (GM) to the Certification Specifications (CS) are not containing more restrictive versions of the CS, because they do not fulfil the function of recommended practices. The CS themselves have been designed such that they contain numeric design specifications that mirror the Standards and, if given, also the more strict numerical value of a recommendation. When that is the case it is made clear, that there is a choice and that both values or anything inside the range fulfil equally the CS. Book 2 on the other hand has been worked over one more time to really just contain genuine guidance material, explanations, former notes etc.</p>
comment	<p>3456 comment by: Fraport AG</p> <p>ADR.AR.C.020 - Certification basis (b)</p> <p>Editorial</p> <p>any provision for which an equivalent level of safety has been accepted by the competent authority;</p> <p>Proposed Text any provision for which a target level of safety has been accepted by the competent authority;</p> <p>Fraport AG: Certification should be based on meeting the accepted target level of safety. Especially when it is proven when the calculated level of safety is much higher as an accepted level of safety for e.g. the approach phase (usually 10⁰⁹)</p>
response	<p><i>Not accepted</i></p> <p>The Agency believes that Equivalent Level of Safety (ELoS) is a widely used term which does not need to be further defined. The general meaning of the term, as used in these draft rules, is that an equivalent level of safety exists when the competent authority has been satisfied by the applicant's demonstration that a particular way of</p>

demonstrating compliance (other than by complying to an Agency Certification Specification) with an essential requirement contained in Annex Va of the Basic Regulation offers an equivalent level of protection with that Agency Certification Specification. The way of showing such compliance may differ from case to case, depending on the Certification Specification involved and may also involve procedural means.

In such cases, the applicant proposes to the competent authority demonstration of compliance with the essential requirements of Annex Va without using the relevant applicable Agency Certification Specification (s) which would otherwise be part of the certification basis.

It is also to be noted that the term is also used in related ICAO documents, including the aerodrome certification manual (see ICAO Doc 9774 — Appendix 3 — Technical Analysis).

Furthermore, a target level of safety has not been set for the aerodrome domain. Therefore there is no accepted target level of safety. The proposal to add 'level of safety' to this part of the IR on the CB is therefore not making the issue clearer. Target level of safety should therefore not be put, as it is undefined and unclear, while ELOS (which always has a reference to the level of safety established that the CS establishes give a reference point.

ANNEX I - Part-AR - ADR.AR.C.025 — Special conditions

p. 24-25

comment	<p>261 comment by: CAA Norway</p> <p>In ADR.AR.C.025 (a) on page 25 we suggest to replace "prescribe special..." with "notify accepted special...". This is because the special conditions in the first place would be suggested by the aerodrome operator.</p>
response	<p><i>Not accepted</i></p> <p>EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:</p> <p>21A.16B Special conditions</p> <p>(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:</p> <ol style="list-style-type: none"> 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or 2. The intended use of the product is unconventional; or 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop. <p>(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.</p> <p>However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.</p>

comment	<p>457 comment by: <i>Avinor</i></p> <p>ADR.AR.C.025 (a). "prescribed" should be delted and replaced by "shall notify accepted".</p>
response	<p><i>Not accepted</i></p> <p>EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21: 21A.16B Special conditions (a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because: 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or 2. The intended use of the product is unconventional; or 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop. (b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.</p> <p>However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.</p>
comment	<p>487 comment by: <i>Icelandic Civil Aviation Administration</i></p> <p>In ADR.AR.C.025 (a) on page 25 we suggest to replace "prescribe special..." with "notify accepted special...". This is because the special conditions in the first place would be suggested by the aerodrome operator.</p>
response	<p><i>Not accepted</i></p> <p>EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21: 21A.16B Special conditions (a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because: 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or 2. The intended use of the product is unconventional; or 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop. (b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.</p> <p>However, the wording of the IR does not preclude that the aerodrome may</p>

contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment 530 comment by: *Estonian CAA*

In ADR.AR.C.025 (a) on page 25 we suggest to replace "prescribe special..." with "notify accepted special...". This is because the special conditions in the first place would be suggested by the aerodrome operator.

response *Not accepted*

EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:

21A.16B Special conditions

(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment 714 comment by: *Munich Airport International*

This IR may provide flexibility in some ways,

ADR.AR.C.025 (a)

Delete "prescribe" and replace by "shall notify accepted"
Justification: There needs to be an input from the Airport

ADR.AR.C.025 (a)

Add "limitations or procedures" after "technical specification"
Justification: To be consistent with ADR.AR.C.025 (b)

ADR.AR.C.025 (a) (3)

Add "comparable" before "aerodromes"
Justification: This assessment can only be done on aerodromes that have an equal setup regarding this CS/SC

response *Not accepted*

ADR.AR.C.025(a):
Not agreed.

EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:

21A.16B Special conditions

(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

ADR.AR.C.025(a): Partially agreed. The wording in (a) copies the relevant paragraph in the Basic regulation (Art. 8a (b) (iii)), while the phrase "technical specifications, limitations or procedures to be complied with" in (b) means to say that these technical specifications may include limitations or procedures. EASA will add the "including also" after technical specifications in (b).

ADR.AR.C.025 (a)(3): Not agreed. Please look at the quoted Part 21 rule above. There the word "similar" was used. Therefore EASA has placed the words "other aerodromes having similar design features".

comment

734

comment by: *Finnish Transport Safety Agency*

In ADR.AR.C.025 (a) on page 25 we suggest to replace "prescribe special..." with "notify accepted special...". This is because the special conditions in the first place would be suggested by the aerodrome operator.

response

Not accepted

EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:

21A.16B Special conditions

(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency

finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment 830 comment by: *Union des Aéroports français - UAF*

Attachment [#141](#)

UAF NPA 2011-20 (B.I) ADR.AR.C.025 (a)

Référence: ADR.AR.C.025 (a)
 "The competent authority shall prescribe special detailed technical specifications, [...]."

Traduction de courtoisie
 Should be amended as follows: "The competent authority shall ~~prescribe~~ **notify accepted** special detailed technical specifications, [...]."
 The competent authority does not have to prescribe detailed technical specifications but rather to notify what it accepted from the aerodrome operator proposals.

response *Not accepted*

Not agreed.
 EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:
 21A.16B Special conditions
 (a) The Agency **shall prescribe** special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:
 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
 2. The intended use of the product is unconventional; or
 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.
 (b) The special conditions contain such safety standards as the Agency **finds necessary** to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment 932 comment by: *Gatwick Airport Ltd*

response *Noted*

comment	<p>963 comment by: Flughafen Düsseldorf GmbH</p> <p>Diese IR sollte flexibler gestaltet werden.</p>
response	<p><i>Noted</i></p> <p>The wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.</p>
comment	<p>1117 comment by: ADP : Aeroports de Paris</p> <p>Référence: ADR.AR.C.025 (a) "The competent authority shall prescribe special detailed technical specifications, [...]."</p> <p>Proposition/commentaire Il convient d'apporter la modification suivante: "The competent authority shall prescribe notify accepted special detailed technical specifications, [...]."</p> <p>Justification Il ne s'agit pas pour l'autorité compétente de prescrire des spécifications techniques détaillées mais plutôt de notifier ce qu'elle a accepté à partir des propositions de l'exploitant d'aérodrome.</p> <p>Traduction de courtoisie Should be amended as follows: "The competent authority shall prescribe notify accepted special detailed technical specifications, [...]."</p> <p>The competent authority does not have to prescribe detailed technical specifications but rather to notify what it accepted from the aerodrome operator proposals.</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21: 21A.16B Special conditions (a) The Agency shall prescribe special detailed technical specifications,</p>

named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency **finds necessary** to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment

1219

comment by: *MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen*

Comment a) should be ammended as " the competent authority shall establish special detailed technical specifications, limitations or procedures, named special conditions...." in order to be consistent with (b).

response

Partially accepted

The wording in (a) copies the relevant paragraph in the Basic regulation Art. 8a (b) (iii), while the phrase "technical specifications, limitations or procedures to be complied with" in (b) means to say that these technical specifications may include limitations or procedures. EASA will add the "including also" after technical specifications in (b).

comment

1310

comment by: *Cologne/Bonn Airport*

(a) : change "prescribed" to "notify ycepted"

response

Not accepted

EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:

21A.16B Special conditions

(a) The Agency **shall prescribe** special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency **finds necessary** to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment 1312 comment by: *Cologne/Bonn Airport*
 (a): add "limitations or procedures" after "technical specifications"; this is consistent with (b)

response *Partially accepted*
 Partially agreed.
 The wording in (a) copies the relevant paragraph in the Basic regulation Art. 8a (b) (iii), while the phrase "technical specifications, limitations or procedures to be complied with" in (b) means to say that these technical specifications may include limitations or procedures. EASA will add the "including also" after technical specifications in (b).

comment 1313 comment by: *Cologne/Bonn Airport*
 (a) (3): add " comparable before "aerodromes"; This assessment can only be done on aerodromes with an equal setup regarding this CS/SC

response *Not accepted*
 Please look at the quoted Part 21 rule below. There the word "similar" was used. Therefore EASA wants to stick to the wording to ensure consistency across rulemaking areas:
 "other aerodromes having **similar** design features"
 21A.16B Special conditions
 (a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:
 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
 2. The intended use of the product is unconventional; or
 3. Experience from **other similar** products in service or products having similar design features, has shown that unsafe conditions may develop.
 (b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

comment 1577 comment by: *Euroairport Bâle-Mulhouse*
 Attachment [#142](#)
 Aéroport Bâle-Mulhouse NPA 2011-20 (B.I) ADR.AR.C.025 (a)
 Référence: ADR.AR.C.025 (a)
 "The competent authority shall prescribe special detailed technical specifications, [...]."
 Traduction de courtoisie

Should be amended as follows: "The competent authority shall ~~prescribe~~ **notify accepted** special detailed technical specifications, [...]." The competent authority does not have to prescribe detailed technical specifications but rather to notify what it accepted from the aerodrome operator proposals.

response *Not accepted*

Not agreed.

EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:

21A.16B Special conditions

(a) The Agency **shall prescribe** special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency **finds necessary** to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment

1658

comment by: *Swedish Transport Agency*

In ADR.AR.C.025 (a) on page 25 we suggest to replace "prescribe special..." with "notify accepted special...". This is because the special conditions in the first place would be suggested by the aerodrome operator.

response

Not accepted

EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:

21A.16B Special conditions

(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment 1793 comment by: *Geneva International Airport (ROMIG)*
ADR.AR.C.025 (a) In the first line, the word "prescribe" should be deleted and replaced by "shall notify accepted..."

response *Not accepted*
EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:
21A.16B Special conditions
(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:
1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.
(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment 1911 comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#143](#)

ADBM - NPA 2011-20 (B.I) ADR.AR.C.025 (a)

Référence: ADR.AR.C.025 (a)
"The competent authority shall prescribe special detailed technical specifications, [...]."

Traduction de courtoisie
Should be amended as follows: "The competent authority shall ~~prescribe~~ **notify accepted** special detailed technical specifications, [...]."
The competent authority does not have to prescribe detailed technical specifications but rather to notify what it accepted from the aerodrome operator proposals.

response *Not accepted*
Not agreed.
EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in

Part 21:

21A.16B Special conditions

(a) The Agency **shall prescribe** special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency **finds necessary** to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment

1950

comment by: *Aéroport de Marseille - MRS/LFML*

Should be amended as follows: "The competent authority shall ~~prescribe~~ **notify accepted** special detailed technical specifications, [...]."

The competent authority does not have to prescribe detailed technical specifications but rather to notify what it accepted from the aerodrome operator proposals.

response

Not accepted

Not agreed.

EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:

21A.16B Special conditions

(a) The Agency **shall prescribe** special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency **finds necessary** to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment

2099

comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

practices on which the applicable airworthiness code is based; or
 2. The intended use of the product is unconventional; or
 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.
 (b) The special conditions contain such safety standards as the Agency **finds necessary** to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment

2178

comment by: CAA CZ

Comment by Karlovy Vary airport

We proposed new wording of whole paragraphs a) :

ADR.AR.C.025 – Special conditions

(a) The competent authority shall in co-operation with an aerodrome operator prescribe special conditions for the aerodrome, if the issued Certification Specifications are inadequate or inappropriate to ensure compliance with ER of Annex Va to Regulation (EC) No 216/2008, because:

(1) the Certification Specifications cannot be met due to physical, topographical or similar limitations related to the location of the aerodrome;

(2) the aerodrome has novel or unusual design features; or

(3) experience from the operation of that aerodrome or other aerodromes having similar design features, has shown that safety may be endangered.

response

Not accepted

The Basic Regulation sets the confines of how this Implementing rule can be phrased. Also EASA tried to use similar wording as found in Part 21:

21A.16B Special conditions

(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or

2. The intended use of the product is unconventional; or

3. Experience from **other similar** products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment

2407

comment by: Pau Pyrénées Airport - PUF/LFBP

Should be amended as follows: "The competent authority shall ~~prescribe~~

notify accepted special detailed technical specifications, [...].”

The competent authority does not have to prescribe detailed technical specifications but rather to notify what it accepted from the aerodrome operator proposals.

response *Not accepted*

EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word “prescribe” was taken is the following in Part 21:

21A.16B Special conditions

(a) The Agency **shall prescribe** special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency **finds necessary** to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment 2784 comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.AR.C.025 (a)	“The competent authority shall prescribe special detailed technical specifications, [...].”
Proposition/commentaire	Il convient d’apporter la modification suivante: “The competent authority shall prescribe notify accepted special detailed technical specifications, [...].”
Justification	Il ne s’agit pas pour l’autorité compétente de prescrire des spécifications techniques détaillées mais plutôt de notifier ce qu’elle a accepté à partir des propositions de l’exploitant d’aérodrome.
Traduction de courtoisie	Should be amended as follows: “The competent authority shall prescribe notify accepted special detailed technical specifications, [...].” The competent authority does not have to prescribe detailed technical specifications

	but rather to notify what it accepted from the aerodrome operator proposals.
response	<p><i>Not accepted</i></p> <p>Not agreed. EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21: 21A.16B Special conditions (a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:</p> <ol style="list-style-type: none"> 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or 2. The intended use of the product is unconventional; or 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop. <p>(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.</p> <p>However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.</p>
comment	<p>2804 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>As a SC will be part of a CB, letter a) should rather be "<u>notify accepted</u> special detailed tehcnical specifications" instead of "<u>prescribe</u> special detailed technical specifications".</p> <p>At letter b), end of second line, the word "<u>necessary</u>" should be replaced by "<u>acceptable</u>", for the same reasons.</p>
response	<p><i>Not accepted</i></p> <p>Prescribe: Not agreed. EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21: 21A.16B Special conditions (a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:</p> <ol style="list-style-type: none"> 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or 2. The intended use of the product is unconventional; or 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency **finds necessary** to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

Acceptable: Not agreed for the same reason.

comment	2869	comment by: <i>IDRF e.V. (association of regional airports)</i>
	This provision is essential for the necessary flexibility and an adequate solution for the specific needs of each individual aerodrome.	
response	<i>Noted</i>	

comment	3072	comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i>
	The wording " prescribe " is misleading. It should be replaced by " notify accepted ".	
response	<i>Not accepted</i>	
	<p>EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:</p> <p>21A.16B Special conditions</p> <p>(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:</p> <ol style="list-style-type: none"> 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or 2. The intended use of the product is unconventional; or 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop. <p>(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.</p> <p>However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.</p>	

comment	3120	comment by: <i>Isavia</i>
	ADR.AR.C.025 (a). "prescribed" should be delted and replaced by "shall notify accepted".	
response	<i>Not accepted</i>	
	EASA tried to use the same language as in its other regulations. Here the	

relevant rule from which the word "prescribe" was taken is the following in Part 21:

21A.16B Special conditions

(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment	3386	comment by: <i>ADV -German Airports Association</i>
	ADR.AR.C.025	
	This IR may provide flexibility in some ways.	
response	<i>Noted</i>	

comment	3387	comment by: <i>ADV -German Airports Association</i>
	ADR.AR.C.025 (a)	
	Delete "prescribed" and replace by "shall notify accepted"	
	Justification:	
	There needs to be an input from the Airport	
response	<i>Not accepted</i>	

EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:

21A.16B Special conditions

(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may

contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment 3388 comment by: *ADV -German Airports Association*

ADR.AR.C.025 (a)

Add „limitations or procedures“ after „technical specifications“

Justification:

To be consistent with (b)

response *Partially accepted*

ADR.AR.C.025(a):

Partially agreed.

The wording in (a) copies the relevant paragraph in the Basic regulation Art. 8a (b) (iii), while the phrase “technical specifications, limitations or procedures to be complied with” in (b) means to say that these technical specifications may include limitations or procedures. EASA will add the “including also” after technical specifications in (b).

comment 3389 comment by: *ADV -German Airports Association*

ADR.AR.C.025 (a) (3)

Add „comparable“ before „aerodromes“

This assessment can only be done on aerodromes that have an equal setup regarding this CS / SC

response *Partially accepted*

ADR.AR.C.025 (a)(3):

Not agreed.

Please look at the quoted Part 21 rule below. There the word “similar” was used. Therefore EASA wants to stick to the wording to ensure consistency across rulemaking areas:

“other aerodromes having **similar** design features”

21A.16B Special conditions

(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

comment 3395 comment by: *MST / STR - Stuttgart Airport*

ADR.AR.C.025

This IR may provide flexibility in some ways.

response	<i>Noted</i>
comment	<p>3396 comment by: <i>MST / STR - Stuttgart Airport</i></p> <p>ADR.AR.C.025 (a) Delete "prescribed" and replace by "shall notify accepted" Justification: There needs to be an input from the Airport</p>
response	<p><i>Not accepted</i></p> <p>EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21: 21A.16B Special conditions (a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because: 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or 2. The intended use of the product is unconventional; or 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop. (b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.</p> <p>However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.</p>
comment	<p>3397 comment by: <i>MST / STR - Stuttgart Airport</i></p> <p>ADR.AR.C.025 (a) Add „limitations or procedures" after „technical specifications" Justification: To be consistent with (b)</p>
response	<p><i>Partially accepted</i></p> <p>ADR.AR.C.025(a): Partially agreed. The wording in (a) copies the relevant paragraph in the Basic regulation Art. 8a (b) (iii), while the phrase "technical specifications, limitations or procedures to be complied with" in (b) means to say that these technical specifications may include limitations or procedures. EASA will add the "including also" after technical specifications in (b).</p>
comment	<p>3398 comment by: <i>MST / STR - Stuttgart Airport</i></p> <p>ADR.AR.C.025 (a) (3) Add „comparable" before „aerodromes" This assessment can only be done on aerodromes that have an equal setup regarding this CS / SC</p>

response	<p><i>Not accepted</i></p> <p>ADR.AR.C.025 (a)(3): Not agreed. Please look at the quoted Part 21 rule below. There the word "similar" was used. Therefore EASA wants to stick to the wording to ensure consistency across rulemaking areas: "other aerodromes having similar design features"</p> <p>21A.16B Special conditions (a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:</p> <ol style="list-style-type: none"> 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or 2. The intended use of the product is unconventional; or 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop. <p>(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.</p>
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comment	<p>3415 comment by: <i>ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen</i></p> <p>ADR.AR.C.025 This IR may provide flexibility in some ways.</p>
response	<p><i>Noted</i></p>

comment	<p>3416 comment by: <i>ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen</i></p> <p>ADR.AR.C.025 (a) Delete "prescribed" and replace by "shall notify accepted"</p> <p>Justification There needs to be an input from the Airport</p>
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response	<p><i>Not accepted</i></p> <p>EASA tried to use the same language as in its other regulations. Here the relevant rule from which the word "prescribe" was taken is the following in Part 21:</p> <p>21A.16B Special conditions (a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:</p> <ol style="list-style-type: none"> 1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or 2. The intended use of the product is unconventional; or 3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.
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(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

However, the wording of the IR does not preclude that the aerodrome may contribute to the development of appropriate special conditions. The competent authority is however in charge if the process and prescribes them.

comment 3417 comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

ADR.AR.C.025 (a)

Add „limitations or procedures“ after „technical specifications“

Justification

To be consistent with (b)

response *Partially accepted*

Partially agreed.

The wording in (a) copies the relevant paragraph in the Basic regulation Art. 8a (b) (iii), while the phrase “technical specifications, limitations or procedures to be complied with” in (b) means to say that these technical specifications may include limitations or procedures. EASA will add the “including also” after technical specifications in (b).

comment 3418 comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

ADR.AR.C.025 (a) (3)

Add „comparable“ before „aerodromes“

Justification

This assessment can only be done on aerodromes that have an equal setup regarding this CS / SC

response *Not accepted*

ADR.AR.C.025 (a)(3):

Not agreed.

Please look at the quoted Part 21 rule below. There the word “similar” was used. Therefore EASA wants to stick to the wording to ensure consistency across rulemaking areas:

“other aerodromes having **similar** design features”

21A.16B Special conditions

(a) The Agency shall prescribe special detailed technical specifications, named special conditions, for a product, if the related airworthiness code does not contain adequate or appropriate safety standards for the product, because:

1. The product has novel or unusual design features relative to the design practices on which the applicable airworthiness code is based; or
2. The intended use of the product is unconventional; or
3. Experience from other similar products in service or products having similar design features, has shown that unsafe conditions may develop.

(b) The special conditions contain such safety standards as the Agency finds necessary to establish a level of safety equivalent to that established in the applicable airworthiness code.

comment	<p data-bbox="376 358 454 392">3457</p> <p data-bbox="1037 358 1412 392" style="text-align: right;">comment by: <i>Fraport AG</i></p> <p data-bbox="376 414 901 448">ADR.AR.C.025 - Special conditions (b)</p> <p data-bbox="376 481 502 515">Editorial</p> <p data-bbox="376 548 1412 672">The special conditions shall contain such technical specifications, limitations or procedures to be complied with, as the competent authority finds is necessary to ensure compliance with the essential requirements set out in Annex Va to Regulation (EC) No 216/2008.</p> <p data-bbox="376 705 582 739">Proposed Text</p> <p data-bbox="376 739 1412 907">The special conditions shall contain such technical specifications, limitations or procedures to be complied with, as the competent authority finds is necessary to ensure with the essential requirements set out in Annex Va to Regulation (EC) No 216/2008 and an accepted target level of safety.</p> <p data-bbox="376 929 1412 1030">Fraport AG: Special conditions should be based on meeting the target level of safety which has to be added</p>
response	<p data-bbox="376 1052 566 1086"><i>Not accepted</i></p> <p data-bbox="376 1108 1412 1299">A target level of safety has not been set for the aerodrome domain. Therefore there is no accepted target level of safety. The proposal to add "accepted level of safety" to this part of the IR on the special conditions is therefore not making the issue clearer. Target level of safety should therefore not be put, as it is undefined and unclear, while the ER as given reference point is clear.</p>

ANNEX I - Part-AR - ADR.AR.C.035 – Issuance of certificate

p. 25-26

comment	<p data-bbox="376 1485 422 1518">11</p> <p data-bbox="997 1485 1412 1518" style="text-align: right;">comment by: <i>airsight GmbH</i></p> <p data-bbox="376 1545 630 1579">ADR.AR.C.035 (g)</p> <p data-bbox="376 1579 1412 1702">There should be a defined and approved procedure for changes not requiring approval and not requiring notification as well. Otherwise everything will need to be reported from the aerodrome operator to the competent authority.</p> <p data-bbox="376 1702 1276 1736">This additionally effects: ADR.AR.C.040 (f) and ADR.OR.B.040 (c)</p>
response	<p data-bbox="376 1758 630 1792"><i>Partially accepted</i></p> <p data-bbox="376 1814 1412 1937">EASA has reviewed the Art. ADR.AR.C.035 and the changes regime on both sides of the rules, authorities and organisations. Please see the relevant section of the rules for that. ADR.AR.C.035 (g) now looks the following way:</p> <p data-bbox="376 1971 1412 2004">(g) To enable an aerodrome operator to implement changes without</p>

prior competent authority approval in accordance with ADR.OR.B.040 (d), the competent authority shall approve a notification procedure defining the scope of such changes and describing how such changes will be managed and notified.

However there was always an assumption that trivial or non-safety related changes would require neither approval nor notification. So the development of a third category to be described is not necessary.

comment 31 comment by: *ACI EUROPE - Airports Council International*
Move (g) to ADR.AR.C.040 as "(a)" since this is the more appropriate place to put it.

response *Not accepted*
The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.

comment 106 comment by: *Flughafen Düsseldorf GmbH*
(b) The competent authority may require any inspection, test, safety assessment, or exercise it finds necessary [g2] before issuing the certificate.

[g2]Hier sollte doch ein etwas objektiverer Maßstab gewählt werden (z.B. „as appropriate“)

response *Not accepted*
The competent authority will of course justify to a reasonable degree an inspection, test, safety assessment or exercise that it finds necessary, as is only good administrative code of conduct. However, as the competent authority must at the end of the certification exercise be satisfied itself that the aerodrome is safe. The aerodrome should not challenge the authority's expert judgement in this matter. The wording "it finds necessary" already points to having to give a justification and provides legal assurance against arbitrariness.

comment 107 comment by: *Flughafen Düsseldorf GmbH*
(d) The competent authority shall issue either:
(1) a single certificate, as prescribed in Appendix I to this Part; or
(2) two separate certificates, as prescribed in Appendix II to this Part, one for the aerodrome and one for the aerodrome operator[g1] .

[g1]Diese Unterscheidung erscheint mit dem deutschen Recht nicht vereinbar, ein bloßer Flughafen hat keine "Rechtspersönlichkeit" und kann nicht Adressat eines Verwaltungsaktes sein.

response	<i>Noted</i>
	It is up to each Member State to decide if it chooses to use the single, the so called dual certificate or even multiple aerodrome operator certificate option. EASA has however the mandate to develop the options as per the Art. 8a (d) of the Basic Regulation. Germany can choose the single certificate.
comment	160 comment by: CAA-NL
	Subpart (g) does not belong to the issuance of a certificate. We suggest to move subpart (g) to ADR.AR.C.040 as new (a) in changes.
response	<i>Not accepted</i>
	The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.
comment	189 comment by: Swedavia AB - Swedish airports (currently 11 airports)
	Move (g) to ADR.AR.C.040 as "(a)" since this is the more appropriate place to put it.
response	<i>Not accepted</i>
	The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.
comment	262 comment by: CAA Norway
	We suggest rewording of ADR.AR.C.035 (a) (1) on page 25: "..it has approved all relevant parts of the Aerodrome Manual submitted by the aerodrome operator." Not all parts of the Aerodrome Manual are safety related.
response	<i>Accepted</i>
	EASA has changed this requirement to say that: c) The competent authority shall issue the certificate(s) prescribed in paragraph (b) when the aerodrome operator has demonstrated to the satisfaction of the competent authority compliance with: (1) ADR.OR.E.005 - Aerodrome manual; and (2) ADR.OR.B.025 - Demonstration of compliance; For more information of the aerodrome manual please look at the section ADR.OR.E.005 and its AMCs.
comment	263 comment by: CAA Norway

	<p>We strongly support the very good and necessary provision with regard to open findings in ADR.AR.C.035 (c) on page 25. This is because it must be possible to issue a certificate even if a few minor findings are not yet closed.</p>
response	<p><i>Noted</i></p> <p>This rule is now under (f).</p>
comment	<p>264 comment by: <i>CAA Norway</i></p> <p>We strongly support the provision of the procedure for changes in ADR.AR.C.035 (g) on page 26, but we suggest to move this paragraph to ADR.AR.C.040 as "a". It is more appropriate to put it there. We are unsure whether the article requires that all changes not requiring prior approval shall be notified to the competent authority. We do not support such a requirement, se. comment to ADR.AR.C.040 (f).</p>
response	<p><i>Noted</i></p> <p>The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.</p> <p>There is the assumption that trivial or non-safety related changes would require neither approval nor notification.</p>
comment	<p>290 comment by: <i>BAA Airside operations</i></p> <p>Omission? There is no mention of the Certification Basis in this section – is this an omission as it would appear to be required for the issuance of a certificate?</p> <p>(e) BAA supports the unlimited duration of the certificate.</p> <p>(g) BAA supports this proposal concerning the scope of changes without requiring prior competent authority approval.</p>
response	<p><i>Noted</i></p> <p>The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB.</p> <p>The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.</p> <p>(e) and (g): <i>Noted</i>.</p>
comment	<p>339 comment by: <i>Danish Transport Authority</i></p>

	(a) EDITORIAL: To make it clear that the approval only cover the requirements of the regulation we suggest to reword "...it has approved all relevant parts of the Aerodrome Manual submitted by the aerodrome operator." Not all parts of the Aerodrome Manual are safety related. This should also include ADR.AR.C.045 (b) (2).
response	<i>Accepted</i> Agreed. EASA has changed this requirement to say that: c) The competent authority shall issue the certificate(s) prescribed in paragraph (b) when the aerodrome operator has demonstrated to the satisfaction of the competent authority compliance with: (1) ADR.OR.E.005 - Aerodrome manual; and (2) ADR.OR.B.025 - Demonstration of compliance; For more information of the aerodrome manual please look at the section ADR.OR.E.005 and its AMCs.
comment	340 <i>comment by: Danish Transport Authority</i> (b) Should be GM. The Issuance of certificate in IR should be short and overall description. The subject is only guidance to the many ways that the competent authority collect necessary information to make basis for the requirements to the specific aerodrome.
response	<i>Not accepted</i> This IR gives the authority the legal power to require any such inspection, test, safety assessment and exercise that it find necessary. Where else would the authority get this legal power from. All national rules on the same matter cease to exist once the draft regulation comes into place. The Agency believes that the word exercise leave the requirement open to other sources and types of information.
comment	341 <i>comment by: Danish Transport Authority</i> (c) We support the provision with regard to open findings in ADR.AR.C.035 (c). It allows the possible to issue a certificate even if minor safety assessed findings are not closed.
response	<i>Noted</i>
comment	342 <i>comment by: Danish Transport Authority</i> (d) (1) + (2) It must be possible to include other conditions in the certificate under appendix I such as finances, capacity, charges to the competent authority. It must be possible for the Member State to take over, fully or in part, the aerodrome in order to ensure that the aerodrome at any time can cover the Member States requirements for national and international flight services by being able to offer the necessary capacity as stipulated in the certificate conditions.

response	<i>Noted</i>
	The draft regulation is about the safety certification of aerodromes and does not cover the issues mentioned here (finances, capacity and service obligations). These issues may be covered in other respective national or EU legislation. EASA advises to not mix up safety certification with the questions of the economic regulation or the granting of a business concession to aerodromes.
comment	343 comment by: <i>Danish Transport Authority</i>
	(g) We support the provision of the procedure for changes in ADR.AR.C.035 (g) on page 26.
response	<i>Noted</i>
comment	376 comment by: <i>Edinburgh Airport</i>
	ADR.AR.C.035 Comment - There is no mention of the certification basis in this section, is this an omission as it would appear to be required for the issue of a certificate.
response	<i>Noted</i>
	The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB. The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.
comment	377 comment by: <i>Edinburgh Airport</i>
	ADR.AR.C.035 (e) - Support Edinburgh Airport supports the unlimited duration of the certificate.
response	<i>Noted</i>
comment	378 comment by: <i>Edinburgh Airport</i>
	ADR.AR.C.035 (g) - Support Edinburgh Airport supports the proposal concerning the scope of changes without requiring prior competent authority approval.
response	<i>Noted</i>
comment	458 comment by: <i>Avinor</i>
	ADR.AR.C.035 (g). Move (g) to ADR.AR.C.040 as "(a)" since this is the more appropriate place to put it.
response	<i>Not accepted</i>
	The notification procedure described under ADR.AR.C.035 (g) is to be set

up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.

comment 488 comment by: *Icelandic Civil Aviation Administration*

We suggest rewording of ADR.AR.C.035 (a) (1) on page 25: "..it has approved all relevant parts of the Aerodrome Manual submitted by the aerodrome operator." Not all parts of the Aerodrome Manual are safety related.

response *Accepted*

EASA has changed this requirement to say that:
 c) The competent authority shall issue the certificate(s) prescribed in paragraph (b) when the aerodrome operator has demonstrated to the satisfaction of the competent authority compliance with:
 (1) ADR.OR.E.005 - Aerodrome manual; and
 (2) ADR.OR.B.025 - Demonstration of compliance;
 For more information of the aerodrome manual please look at the section ADR.OR.E.005 and its AMCs.

comment 489 comment by: *Icelandic Civil Aviation Administration*

We strongly support the very good and necessary provision with regard to open findings in ADR.AR.C.035 (c) on page 25. This is because it must be possible to issue a certificate even if a few minor findings are not yet closed but with an action plan in place.

response *Noted*

This rule is now under (f).

comment 490 comment by: *Icelandic Civil Aviation Administration*

ADR.AR.C.035(d)(2) - This is an awkward bias. Recommend to have only a possibility for one certificate for aerodrome operations, two certificates cannot be granted for an aerodrome in a convincing way. It would be ok to certify infrastructure only with a lower level certificate that would not be issued parallel to the aerodrome operators certificate, but on a lower level not affecting the certificate of the aerodrome operations.

response *Not accepted*

There is no bias here only the implementation of what is foreseen in the Basic Regulation under Art. 8a(d). It is already ensured in ADR.OR.B.005 that "prior to commencing the operation of an aerodrome, the aerodrome operator shall obtain a certificate by the competent authority". This already implies that there shall be no aerodrome operating without an operator, be it on the same or on different certificates.

However, EASA does not agree that in the case of the two-certificate option, the losing of the aerodrome certificate should not have an effect on the operator, if the aerodrome is supposed to keep in good condition

and meeting the ERs. This obligation is established at the highest level of the Basic Regulation: ER B 1(b) which states that:
(b) the aerodrome operator shall verify that the requirements of Section A are complied with at all times or take appropriate measures to mitigate the risks associated with non-compliance. Procedures shall be established and applied to make all users aware of such measures in a timely manner;

comment 491 comment by: *Icelandic Civil Aviation Administration*
 We strongly support the provision of the procedure for changes in ADR.AR.C.035 (g) on page 26, but we suggest to move this paragraph to ADR.AR.C.040 as "a". It is more appropriate to put it there.

response *Noted*
 This rule is now under (f).

comment 532 comment by: *Estonian CAA*
 We suggest rewording of ADR.AR.C.035 (a) (1) on page 25: "..it has approved all relevant parts of the Aerodrome Manual submitted by the aerodrome operator." Not all parts of the Aerodrome Manual are safety related.

response *Accepted*
 EASA has changed this requirement to say that:
 c) The competent authority shall issue the certificate(s) prescribed in paragraph (b) when the aerodrome operator has demonstrated to the satisfaction of the competent authority compliance with:
 (1) ADR.OR.E.005 - Aerodrome manual; and
 (2) ADR.OR.B.025 - Demonstration of compliance;
 For more information of the aerodrome manual please look at the section ADR.OR.E.005 and its AMCs.

comment 533 comment by: *Estonian CAA*
 We strongly support the very good and necessary provision with regard to open findings in ADR.AR.C.035 (c) on page 25. This is because it must be possible to issue a certificate even if a few minor findings are not yet closed.

response *Noted*
 This rule is now under (f).

comment 537 comment by: *Estonian CAA*
 We strongly support the provision of the procedure for changes in ADR.AR.C.035 (g) on page 26, but we suggest to move this paragraph to ADR.AR.C.040 as "a". It is more appropriate to put it there.

response *Noted*
 The notification procedure described under ADR.AR.C.035 (g) is to be set

up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.
There is the assumption that trivial or non-safety related changes would require neither approval nor notification.

comment 573 comment by: *Belfast International Airport - BFS/EGAA*
We support the unlimited duration of the certificate.

response *Noted*

comment 574 comment by: *Belfast International Airport - BFS/EGAA*
We support this proposal concerning the scope of changes without requiring prior competent authority approval

response *Noted*

comment 618 comment by: *Flughafen Düsseldorf GmbH*
a) 1) Bisher wurde die Genehmigung des Manuals durch die Behörde abgelehnt. Möglicherweise entsteht ein aufwendiger Abstimmungsprozess. Genaue Vorgaben sind erforderlich um dies zu verhindern.
b) Dies darf nur nach transparenten Vorgaben erfolgen, eine willkürliche Handhabung muss vermieden werden.

response *Accepted*

EASA has changed this requirement to say that:
c) The competent authority shall issue the certificate(s) prescribed in paragraph (b) when the aerodrome operator has demonstrated to the satisfaction of the competent authority compliance with:
(1) ADR.OR.E.005 - Aerodrome manual; and
(2) ADR.OR.B.025 - Demonstration of compliance;
For more information of the aerodrome manual please look at the section ADR.OR.E.005 and its AMCs.

comment 627 comment by: *Bristol Airport - BRS/EGGD*

ADR.AR.C.035	Comment	There is no mention of the Certification Basis in this section – is this an omission as it would appear to be required for the issue of a certificate.
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response *Noted*

The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB.
The rule has however moved to (c) as we reshuffled the article to make it

more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.

comment 641 comment by: *Exeter International Airport*
 ADR.AR.C.035 (g) : Exeter Airport supports this proposal concerning the scope of changes without requiring prior competent authority approval.

response *Noted*

comment 735 comment by: *Finnish Transport Safety Agency*
 We suggest rewording of ADR.AR.C.035 (a) (1) on page 25: "..it has approved all relevant parts of the Aerodrome Manual submitted by the aerodrome operator." Not all parts of the Aerodrome Manual are safety related.

response *Accepted*
 EASA has changed this requirement to say that:
 c) The competent authority shall issue the certificate(s) prescribed in paragraph (b) when the aerodrome operator has demonstrated to the satisfaction of the competent authority compliance with:
 (1) ADR.OR.E.005 - Aerodrome manual; and
 (2) ADR.OR.B.025 - Demonstration of compliance;
 For more information of the aerodrome manual please look at the section ADR.OR.E.005 and its AMCs.

comment 736 comment by: *Finnish Transport Safety Agency*
 We strongly support the very good and necessary provision with regard to open findings in ADR.AR.C.035 (c) on page 25. This is because it must be possible to issue a certificate even if a few minor findings are not yet closed.

response *Noted*
 This rule is now under (f).

comment 737 comment by: *Finnish Transport Safety Agency*
 We strongly support the provision of the procedure for changes in ADR.AR.C.035 (g) on page 26, but we suggest to move this paragraph to ADR.AR.C.040 as "a". It is more appropriate to put it there.

response *Noted*
 The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.
 There is the assumption that trivial or non-safety related changes would require neither approval nor notification.

comment	<p>976 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p><u>ADR.AR.C.035(f)</u></p> <p>The text reads as GM as there is no "shall" or "should" present. Suggest make the text GM.</p>
response	<p><i>Partially accepted</i></p> <p>Text will be changed to say that: "The certificate shall be considered to include". Please note that the rule is now under (d).</p>
comment	<p>994 ❖ comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • Draft Commission Regulation - Article 7 - Deviations from Certification Specifications (p13) • ANNEX I - Part-AR - ADR.AR.C.035- Issuance of certificate - Paragraph (f) (p25) • A. Explanatory Note - III. Overview of the rules proposed in this NPA - Certification process including the establishment of the certification basis (CB) – Paragraph 25 (p9) • A. Explanatory Note - III. Overview of the rules proposed in this NPA - Conversion and acceptance measures – Paragraph 32 (p10) <p><u>2. Justification and proposed text / comment</u></p> <p><u>This comment is linked with comment 22 in Explanatory Note</u></p> <p>Naming the document in which are compiled the evidence supporting the conditions described in this article will considerably ease the comprehension and the use of it in practice. DGAC proposes the name used in the explanatory note: "<i>Deviations Acceptance and Action Document</i>" and proposes to introduce this name in article 7 of the regulation.</p> <p>Moreover, the DAAD can be, on some points, unlimited in time (see Explanatory Note – paragraph 32: "<i>the DAAD action plan is not time-bound</i>"). Moreover, the Explanatory Note – paragraph 25 states that the certificate can have a limited duration: it should be detailed here. Consequently DGAC proposes the following amendments to article 7: "<i>The competent authority shall compile the evidence supporting the conditions above in a the Deviations Acceptance and Action Document. This document shall not form part of the certification basis. The competent authority shall specify the period of acceptance of such deviations, which may be unlimited in time, and inform the Agency of all such documents it has issued.</i>"</p> <p>Furthermore, as the DAAD is clearly part of the aerodrome certificate, even if it is not part of the certification basis, there is a strong need to give more specifications on how to use it with regards to the certificate and so to include it in some provisions.</p> <p>DGAC proposes to add a reference to it in paragraph (f) of ADR.AR.C.035, to detail that the DAAD is attached to the certificate (as explained in the Explanatory Note paragraph 32):</p> <p>"(f) <i>The certificate is considered to include:</i></p> <ul style="list-style-type: none"> - <i>the applicable certification basis with which the competent authority records compliance and any other conditions or limitations</i>

*prescribed in the applicable Certification Specifications and requirements and
 - if relevant, the deviation acceptance and action document, attached to it, which compiles the evidence supporting the conditions described in article 7 – paragraph 1 of this regulation.”*

response *Accepted*

EASA has revised the ADR.AR.035 in terms of its order, but now includes the idea that the certificate also includes (if applicable and amongst other things) the DAADs that have been authorised for the aerodrome. Please have a look in the draft regulation that is accompanying the CRD.

The other comment on Art. 7 is not relevant here. Please look at the relevant section of the CRD. The idea to introduce the DAAD term as such was also realised there.

comment *1001* comment by: *Dublin Airport Authority*
 Ref (e)

DAA supports the unlimited duration of the certificate.

response *Noted*

comment *1020* comment by: *Dublin Airport Authority*
 Ref (e)

DAA supports the unlimited duration of the certificate.

Ref (g)

DAA supports the scope of changes that will not require prior competent authority approval.

response *Noted*

comment *1027* comment by: *Bristol Airport - BRS/EGGD*

ADR.AR.C.035 (e)	Support	Bristol Airport supports the unlimited duration of the certificate.
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response *Noted*

comment *1118* comment by: *ADP : Aeroports de Paris*

Référence: ADR.AR.C.035 (g)
 "To enable an aerodrome operator to implement changes without prior competent authority approval in accordance with ADR.OR.B.040, the competent authority shall approve a procedure submitted by the aerodrome operator defining the scope of such changes and describing

how such changes will be managed and notified.”

Proposition/commentaire

Cette disposition est à déplacer en ADR.AR.C.040 (a) car elle concerne les changements qui sont régis à cet article.

Par ailleurs, l’AESA semble considérer que les changements d'exploitants sont opérés uniquement par le biais d'arrangements ce qui semble assez utopique.

ADP souhaite ajouter dans cette « IR » la possibilité de pouvoir délivrer des certificats à durée limitée qui permettraient de traiter de manière simple et efficace le changement d'exploitant tout en permettant à l'autorité compétente d'établir une procédure complète de certification.

Justification

Traduction de courtoisie

This provision must be moved to ADR.AR.C.040 (a) because it concerns changes governed by this article.

The EASA seems to have an utopian view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality.

ADP suggests adding in this IR the possibility to issue time limited certificates in order to have an easy change of aerodrome of operator and enable the competent authority to have a complete process of certification.

response

Not accepted

The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.

Furthermore. EASA does not understand: ADR.AR.C.035 (g) is not about a change of aerodrome operator but about a notification procedure. The comment seems misplaced. European certificates are always unlimited in time unless a transgression renders them invalid. The competent authority can always place operators under increased scrutiny or attach conditions or limitations on a certificate.

comment 1233

comment by: Gatwick Airport Ltd

	<p>There is no mention of the certification basis in this section – is this an omission as it would appear to be required for the issue of a certificate.</p> <p>(e) London Gatwick supports the unlimited duration of the certificate.</p> <p>(g) London Gatwick supports this proposal concerning the scope of changes without requiring prior competent authority approval</p>
response	<p><i>Noted</i></p> <p>The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB.</p> <p>The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.</p> <p>(e) and (g): Noted.</p>
comment	<p>1258 comment by: <i>Blackpool Airport - BLK/EGNH</i></p> <p>ADR.AR.C.035 (g) : Blackpool Airport supports this proposal concerning the scope of changes without requiring prior competent authority approval.</p>
response	<p><i>Noted</i></p>
comment	<p>1315 comment by: <i>Cologne/Bonn Airport</i></p> <p>(g): should be moved to ADR.AR.C.040 - changes</p>
response	<p><i>Not accepted</i></p> <p>The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.</p>
comment	<p>1397 comment by: <i>Brussels Airport - BRU/EBBR</i></p> <p>Support to this !</p> <p>especially with the inclusion of (e) (f) & (g).</p>
response	<p><i>Noted</i></p>
comment	<p>1492 comment by: <i>Aberdeen Airport Airside Operations</i></p> <p>Comment - There is no mention of the Certification Basis in this section - this is an omission as it would appear to be required for the issuance certificate.</p>

	<p>(e) Support - BAA Aberdeen supports the unlimited duration of the certificate</p> <p>(g) Support - BAA Aberdeen supports this proposal concerning the scope of changes without requiring prior competent authority approval</p>
response	<p><i>Noted</i></p> <p>The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB.</p> <p>The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.</p> <p>(e) and (g): Noted.</p>
comment	<p>1529 comment by: <i>Stansted Airport</i></p> <p>ADR.AR.C.035</p> <p>Comment</p> <p>There is no mention of the Certification Basis in this section – is this an omission as it would appear to be required for the issuance of a certificate</p>
response	<p><i>Noted</i></p> <p>The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB.</p> <p>The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.</p>
comment	<p>1532 comment by: <i>Stansted Airport</i></p> <p>ADR.AR.C.035 (g)</p> <p>Support</p> <p>Stansted Airport supports this proposal concerning the scope of changes without requiring prior competent authority approval</p>
response	<p><i>Noted</i></p>
comment	<p>1533 comment by: <i>Stansted Airport</i></p> <p>ADR.AR.C.035 (e)</p> <p>Support</p> <p>Stansted Airport supports the unlimited duration of the certificate.</p>

response	<i>Noted</i>
comment	<p>1549 <i>comment by: London Luton Airport Operations Ltd</i></p> <p>London Luton Airport Operations Ltd supports at (e) the first sentence proposal of an unlimited duration, understanding the various procedures in other parts of the document which detail how safety measures will be managed.</p> <p>At (g) this could cause conflict with ADR.AR.C.040 (d) unless it stipulates clearly what the aerodrome operator is able to apply</p>
response	<p><i>Noted</i></p> <p>(e): Noted. (g): this comment is not understood by EASA.</p>
comment	<p>1565 <i>comment by: DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> ANNEX I - Part-AR - ADR.AR.C.035 – para (e) — Issuance of certificate (page 25) <p><u>2. Justification and proposed text / comment</u></p> <p>This comment is critical. It is linked to the comment n° 994 on article 7 of the cover regulation.</p> <p>The explanatory notes mentions (in paragraph 25 : “The issued certificate/licence will normally remain in force until suspended or revoked, but may be issued for a limited period depending on the procedures employed by the NAA) the possibility to first deliver a certificate with limited duration, notably if major corrective actions are required to certificate the aerodrome : this is also a means of pressure on the aerodrome operator.</p> <p>To be consistent, this possibility should be offered in ADR.AR.C.035 – para (e).</p> <p>The following amendment to the AR is proposed :</p> <p>« <i>The certificate may be delivered for a limited duration if major corrective actions are required from the aerodrome operators, or can shall-be issued for an unlimited duration.</i> »</p>
response	<p><i>Not accepted</i></p> <p>Point 25 of the explanatory note was speaking of the practices of certification in the past, where under certain regimes limited certificates were possible. This will no longer be the case. Across all aviation domains European certificates are always unlimited in time unless a transgression renders them invalid. The competent authority can always place operators under increased scrutiny or attach conditions or limitations on a certificate.</p>
comment	<p>1578 <i>comment by: Euroairport Bâle-Mulhouse</i></p>

Attachment [#146](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.AR.C.035 (g)

Référence: ADR.AR.C.035 (g)
 "To enable an aerodrome operator to implement changes without prior competent authority approval in accordance with ADR.OR.B.040, the competent authority shall approve a procedure submitted by the aerodrome operator defining the scope of such changes and describing how such changes will be managed and notified."

Traduction de courtoisie
 This provision must be moved to ADR.AR.C.040 (a) because it concerns changes governed by this article. The EASA seems to have an utopian view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality. UAF suggests adding in this IR the possibility to issue time limited certificates in order to have an easy change of aerodrome of operator and enable the competent authority to have a complete process of certification.

response *Not accepted*

The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification. Furthermore, EASA does not understand: ADR.AR.C.035 (g) is not about a change of aerodrome operator but about a notification procedure. The comment seems misplaced. European certificates are always unlimited in time unless a transgression renders them invalid. The competent authority can always place operators under increased scrutiny or attach conditions or limitations on a certificate.

comment *1660* comment by: *Swedish Transport Agency*

We suggest rewording of ADR.AR.C.035 (a) (1) on page 25: ".it has approved all relevant parts of the Aerodrome Manual submitted by the aerodrome operator." Not all parts of the Aerodrome Manual are safety related.

response *Accepted*

EASA has changed this requirement to say that:
 c) The competent authority shall issue the certificate(s) prescribed in paragraph (b) when the aerodrome operator has demonstrated to the satisfaction of the competent authority compliance with:
 (1) ADR.OR.E.005 - Aerodrome manual; and
 (2) ADR.OR.B.025 – Demonstration of compliance;
 For more information of the aerodrome manual please look at the section ADR.OR.E.005 and its AMCs.

comment *1661* comment by: *Swedish Transport Agency*

	<p>We strongly support the very good and necessary provision with regard to open findings in ADR.AR.C.035 (c) on page 25. This is because it must be possible to issue a certificate even if a few minor findings are not yet closed.</p>
response	<p><i>Noted</i></p> <p>This rule is now under (f).</p>
comment	<p>1663 comment by: <i>Swedish Transport Agency</i></p> <p>We strongly support the provision of the procedure for changes in ADR.AR.C.035 (g) on page 26, but we suggest to move this paragraph to ADR.AR.C.040 as "a". It is more appropriate to put it there.</p>
response	<p><i>Noted</i></p> <p>The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.</p> <p>There is the assumption that trivial or non-safety related changes would require neither approval nor notification.</p>
comment	<p>1797 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>ADR.AR.C.035 (c) This is a complicated procedure potentially requiring multiple safety assessments for items that are possibly not safety significant and therefore not necessarily relevant for a safety assessment. Suggest to simplify and remove the notions related to the safety assessments but require a detailed corrective action plan from the ADR.</p>
response	<p><i>Not accepted</i></p> <p>ADR.AR.C.035 (c) speaks about open level 2 findings which are defined under ADR.AR.C.055 (c) as:</p> <p>(c) A level 2 finding shall be issued by the competent authority when any non-compliance is detected with the certification basis of the aerodrome, the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, with the aerodrome operators or the providers of apron management services procedures and manuals, with the terms of an approval of a certificate or with the content of a declaration which could lower or possibly hazard safety.</p> <p>These findings are non-compliances and could lower safety and be possibly hazardous. They are therefore safety significant and not trivial. Their impact on safety need to be assessed to place the competent authority in the position to decide if they can be left open until the operator can close these non-compliances by following a corrective action plan.</p>
comment	<p>1799 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>ADR.AR.C.035 (g) - Move article (g) to ADR.AR.C.040 as "(a)" since this is</p>

	the more appropriate place to put it under the article on "Changes".
response	<p><i>Not accepted</i></p> <p>The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.</p>
comment	<p>1912 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #147</p> <p>ADBM - NPA 2011-20 (B.I) ADR.AR.C.035 (g)</p> <p>Référence: ADR.AR.C.035 (g) "To enable an aerodrome operator to implement changes without prior competent authority approval in accordance with ADR.OR.B.040, the competent authority shall approve a procedure submitted by the aerodrome operator defining the scope of such changes and describing how such changes will be managed and notified."</p> <p>Traduction de courtoisie This provision must be moved to ADR.AR.C.040 (a) because it concerns changes governed by this article. The EASA seems to have an utopian view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality. ADBM suggests adding in this IR the possibility to issue time limited certificates in order to have an easy change of aerodrome of operator and enable the competent authority to have a complete process of certification.</p>
response	<p><i>Not accepted</i></p> <p>The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.</p> <p>Furthermore, EASA does not understand: ADR.AR.C.035 (g) is not about a change of aerodrome operator but about a notification procedure. The comment seems misplaced. European certificates are always unlimited in time unless a transgression renders them invalid. The competent authority can always place operators under increased scrutiny or attach conditions or limitations on a certificate.</p>
comment	<p>1951 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>This provision must be moved to ADR.AR.C.040 (a) because it concerns changes governed by this article.</p> <p>The EASA seems to have an utopian view of the change of aerodrome</p>

	<p>operator, as if they only proceeded by arrangements, which is not the case in reality.</p> <p>UAF suggests adding in this IR the possibility to issue time limited certificates in order to have an easy change of aerodrome of operator and enable the competent authority to have a complete process of certification.</p>
response	<p><i>Not accepted</i></p> <p>The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.</p> <p>Furthermore, EASA does not understand: ADR.AR.C.035 (g) is not about a change of aerodrome operator but about a notification procedure. The comment seems misplaced. European certificates are always unlimited in time unless a transgression renders them invalid. The competent authority can always place operators under increased scrutiny or attach conditions or limitations on a certificate.</p>
comment	<p>2023 comment by: <i>Airport Operators Association</i></p> <p>ADR.AR.C.035 There is no mention of the Certification Basis in this section – is this an omission as it would appear to be required for the issue of a certificate?</p> <p>ADR.AR.C.035 (e) AOA supports the unlimited duration of the certificate.</p> <p>ADR.AR.C.035 (g) AOA supports the proposal concerning the scope of changes without requiring prior competent authority approval.</p>
response	<p><i>Noted</i></p> <p>The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB.</p> <p>The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.</p> <p>(e) and (g): Noted.</p>
comment	<p>2058 comment by: <i>AIRBUS</i></p> <p>(c) "Level 1" is used however the definition of is only found later in ADR.AR.C.055.</p>
response	<p><i>Noted</i></p>

This can happen. It is hard to make all rules sequential in their logic.

comment 2069 comment by: *Ministry of Infrastructure and Agriculture of Brandenburg*

The EASA certification form should match the ICAO-form, otherwise there could be confusion

response *Not accepted*

The so called ICAO form in Doc. 9774 is just a reproduction of the form used by Transport Canada. EASA has developed its own European certificate, which fulfils ICAO requirements. Since the NPA it has undergone changes and is now GM to the rules.

comment 2101 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#148](#)

UAF NPA 2011-20 (B.I) ADR.AR.C.035 (g)

Référence: ADR.AR.C.035 (g)
 "To enable an aerodrome operator to implement changes without prior competent authority approval in accordance with ADR.OR.B.040, the competent authority shall approve a procedure submitted by the aerodrome operator defining the scope of such changes and describing how such changes will be managed and notified."

Traduction de courtoisie
 This provision must be moved to ADR.AR.C.040 (a) because it concerns changes governed by this article. The EASA seems to have an utopian view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality. UAF suggests adding in this IR the possibility to issue time limited certificates in order to have an easy change of aerodrome of operator and enable the competent authority to have a complete process of certification.

response *Not accepted*

The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.

Furthermore, EASA does not understand: ADR.AR.C.035 (g) is not about a change of aerodrome operator but about a notification procedure. The comment seems misplaced. European certificates are always unlimited in time unless a transgression renders them invalid. The competent authority can always place operators under increased scrutiny or attach conditions or limitations on a certificate.

comment 2118 comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

	<p>Para (d):</p> <p>The rule refers to Appendices I and II. It needs to be specified in which situation a single certificates or two separate certificates should be issued.</p> <p>In addition, it is suggested to use the ICAO certification form; any deviation from ICAO Doc 9774 might cause problems on the international level.</p>
response	<p><i>Noted</i></p> <p>To (d) Certificate options: Noted. EASA was given the mandate to develop the options as per the Art. 8a (d). It is up to each Member State to decide if it chooses to use the single, the so called dual certificate or even multiple aerodrome operator certificate option.</p> <p>To Certificate form: The so called ICAO form in Doc. 9774 is just a reproduction of the form used by Transport Canada. EASA has developed its own European certificate, which fulfils ICAO requirements. Since the NPA it has undergone changes and is now GM to the rules.</p>
comment	<p>2180 comment by: CAA CZ</p> <p>Comment by Karlovy Vary airport We proposed modified wording of following paragraph (a) (2) : ADR.AR.C.035 – Issuance of certificate (a) (2) the aerodrome operator has demonstrated, to the satisfaction of the competent authority, compliance with the requirements specified in ADR.OR.B.025.</p>
response	<p><i>Accepted</i></p> <p>Text was changed extensively.</p>
comment	<p>2367 comment by: Dublin Airport Authority</p> <p>DAA supports, under point (e), the unlimited duration of the certificate.</p>
response	<p><i>Noted</i></p>
comment	<p>2373 comment by: Dublin Airport Authority</p> <p>DAA supports point (g) concerning the scope changes that will not require prior competent authority approval, but suggests that in the first instance the competent authority should outline the scope of such changes.</p>
response	<p><i>Noted</i></p>
comment	<p>2396 comment by: East Midlands Airport - EMA/EGNX</p> <p>Comment:</p> <p>There is no mention of the Certification Basis in this section – is this an</p>

	omission as it would appear to be required for the issue of a certificate.
response	<p><i>Noted</i></p> <p>The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB.</p> <p>The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.</p>
comment	<p>2400 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(e) East Midlands Airport supports the proposal of unlimited duration of the certificate.</p>
response	<i>Noted</i>
comment	<p>2402 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(g) East Midlands Airport supports the proposal concerning the scope of changes without requiring prior competent authority approval.</p>
response	<i>Noted</i>
comment	<p>2410 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>This provision must be moved to ADR.AR.C.040 (a) because it concerns changes governed by this article.</p> <p>The EASA seems to have an utopian view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality and it is even impossible</p> <p>Pau Pyrenees airport suggests adding in this IR the possibility to issue time limited certificates in order to have an easy change of aerodrome of operator and enable the competent authority to have a complete process of certification.</p>
response	<p><i>Not accepted</i></p> <p>The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.</p> <p>Furthermore, EASA does not understand: ADR.AR.C.035 (g) is not about a change of aerodrome operator but about a notification procedure. The comment seems misplaced. European certificates are always unlimited in time unless a transgression renders them invalid. The competent authority can always place operators under increased scrutiny or attach conditions or limitations on a certificate.</p>

comment	2520	comment by: <i>Shannon Airport</i>
	Shannon Airport part of DAA supports under point (e), the unlimited duration of the certificate.	
response	<i>Noted</i>	
comment	2599	comment by: <i>Infratil Airports Europe Ltd</i>
	Page No: 25	
	Paragraph No: ADR.AR.C.035	
	Comment: There is no mention of the Certification Basis in this section – is this an omission as it would appear to be required for the issue of a certificate.	
response	<i>Noted</i>	
	The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB. The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.	
comment	2600	comment by: <i>Infratil Airports Europe Ltd</i>
	Page No: 25	
	Paragraph No: ADR.AR.C.035(d)	
	Comment: IAEL do not support the idea of two separate certificates	
	Justification: It is not clear what benefit is to be gained from additional certificates being required for organisations that operate multiple airports. If any airport within the group is to be sold, a new certificate would be required.	
response	<i>Noted</i>	
	EASA was given the mandate to develop the options as per the Art. 8a (d). It is up to each Member State to decide if it chooses to use the single, the so called dual certificate or even multiple aerodrome operator certificate option.	
comment	2601	comment by: <i>Infratil Airports Europe Ltd</i>
	Page No: 25	
	Paragraph No: ADR.AR.C.035(e)	
	Comment: IAEL supports the unlimited duration of the certificate.	
response	<i>Noted</i>	

comment	2660	comment by: HIA - Highlands and Islands Airports Limited
	C.035e - The aerodrome certificate will be issued for an unlimited period	
	C.035g - Implementation of changes without Competent Authority Approval provided scope and management of are notified	
	Support these items.	
response	<i>Noted</i>	

comment	2688	comment by: LJL Airport - Liverpool John Lennon Airport	
	ADR.AR.C.035	Comment	There is no mention of the Certification Basis in this section – is this an omission as it would appear to be required for the issue of a certificate.
response	<i>Noted</i>		
	The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB. The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.		

comment	2689	comment by: LJL Airport - Liverpool John Lennon Airport	
	ADR.AR.C.035 (e)	Support	LJLA supports the unlimited duration of the certificate.
response	<i>Noted</i>		

comment	2690	comment by: LJL Airport - Liverpool John Lennon Airport	
	ADR.AR.C.035 (g)	Support	LJLA supports this proposal concerning the scope of changes without requiring prior competent authority approval
response	<i>Noted</i>		

comment	2721	comment by: AENA - Aeropuertos Españoles y Navegación Aérea
	Naming the document in which are compiled the evidence supporting the conditions described in this article will considerably ease the comprehension and the use of it in practice. It is proposed the name used in the explanatory note: " <i>Deviations Acceptance and Action Document</i> " and proposes to introduce this name in article 7 of the regulation. Moreover, the DAAD can be, on some points, unlimited in time (see	

Explanatory Note – paragraph 32: “the DAAD action plan is not time-bound”). Moreover, the Explanatory Note – paragraph 25 states that the certificate can have a limited duration: it should be detailed here. Consequently it is proposed the following amendments to **article 7**:

“The competent authority shall compile the evidence supporting the conditions above in a the Deviations Acceptance and Action Document. This document shall not form part of the certification basis. The competent authority shall specify the period of acceptance of such deviations, which may be unlimited in time, and inform the Agency of all such documents it has issued.”

Furthermore, as the DAAD is clearly part of the aerodrome certificate, even if it is not part of the certification basis, there is a strong need to give more specifications on how to use it with regards to the certificate and so to include it in some provisions.

It is proposed to add a reference to it in paragraph (f) of **ADR.AR.C.035**, to detail that the DAAD is attached to the certificate (as explained in the Explanatory Note paragraph 32):

*“(f) The certificate is considered to include:
- the applicable certification basis with which the competent authority records compliance and any other conditions or limitations prescribed in the applicable Certification Specifications and requirements and if relevant, the deviation acceptance and action document, attached to it, which compiles the evidence supporting the conditions described in article 7 – paragraph 1 of this regulation.”*

response

Accepted

EASA has revised the ADR.AR.035 in terms of its order, but now includes the idea that the certificate also includes (if applicable and amongst other things) the DAADs that have been authorised for the aerodrome. Please have a look in the draft regulation that is accompanying the CRD.

The other comment on Art. 7 is not relevant here. Please look at the relevant section of the CRD. The idea to introduce the DAAD term as such was also realised there.

comment

2758

comment by: TAG Farnborough Airport Ltd

TAG Farnborough Airport support the unlimited duration of the certificate.

response

Noted

comment

2786

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.AR.C.035 (g)

“To enable an aerodrome operator to implement changes without prior competent authority approval in accordance with ADR.OR.B.040, the competent authority shall approve a procedure submitted by the aerodrome operator

	defining the scope of such changes and describing how such changes will be managed and notified.”
Proposition/commentaire	<p>Cette disposition est à déplacer en ADR.AR.C.040 (a) car elle concerne les changements qui sont régis à cet article.</p> <p>Par ailleurs, l’AESA semble considérer que les changements d'exploitants sont opérés uniquement par le biais d'arrangements ce qui semble assez utopique.</p> <p>ACA souhaite ajouter dans cette « IR » la possibilité de pouvoir délivrer des certificats à durée limitée qui permettraient de traiter de manière simple et efficace le changement d'exploitant tout en permettant à l'autorité compétente d'établir une procédure complète de certification.</p>
Justification	
Traduction de courtoisie	<p>This provision must be moved to ADR.AR.C.040 (a) because it concerns changes governed by this article.</p> <p>The EASA seems to have an utopian view of the change of aerodrome operator, as if they only proceeded by arrangements, which is not the case in reality.</p> <p>ACA suggests adding in this IR the possibility to issue time limited certificates in order to have an easy change of aerodrome of operator and enable the competent authority to have a complete process of certification.</p>

response *Not accepted*

The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.

Furthermore, EASA does not understand: ADR.AR.C.035 (g) is not about a change of aerodrome operator but about a notification procedure. The comment seems misplaced. European certificates are always unlimited in time unless a transgression renders them invalid. The competent authority can always place operators under increased scrutiny or attach conditions or limitations on a certificate.

comment	2847	comment by: <i>Norwich International Airport</i>
	There is no mention of the Certification Basis in this section – is this an omission as it would appear to be required for the issue of a certificate?	
response	<i>Noted</i>	
	The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB. The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.	
comment	2849	comment by: <i>Norwich International Airport</i>
	ADR.AR.C.035 (e)	
	Norwich International Airport supports the unlimited duration of the certificate.	
response	<i>Noted</i>	
comment	2850	comment by: <i>Norwich International Airport</i>
	ADR.AR.C.035 (d)	
	Norwich International Airport supports the choice of both types of certificate.	
response	<i>Noted</i>	
comment	2852	comment by: <i>Norwich International Airport</i>
	ADR.AR.C.035 (g)	
	NWI supports this proposal concerning the scope of changes without requiring prior competent authority approval.	
response	<i>Noted</i>	
comment	2995	comment by: <i>DAA Cork Airport</i>
	DAA supports point (e), the unlimited duration of the certificate.	
response	<i>Noted</i>	
comment	2997	comment by: <i>DAA Cork Airport</i>
	DAA supports point (g) concerning the scope of changes that will require not prior competent authority approval.	
response	<i>Noted</i>	

comment	<p>3074 comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i></p> <p>Para (d): The rule refers to Appendices I and II. It needs to be specified in which situation a single certificates or two separate certificates should be issued. In addition, it is suggested to use the ICAO certification form; any deviation from ICAO Doc 9774 might cause problems on the international level.</p>
response	<p><i>Noted</i></p> <p>To (d) Certificate options: Noted. EASA was given the mandate to develop the options as per the Art. 8a (d). It is up to each Member State to decide if it chooses to use the single, the so called dual certificate or even multiple aerodrome operator certificate option.</p> <p>To Certificate form: The so called ICAO form in Doc. 9774 is just a reproduction of the form used by Transport Canada. EASA has developed its own European certificate, which fulfils ICAO requirements. Since the NPA it has undergone changes and is now GM to the rules.</p>
comment	<p>3112 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i></p> <p>(c): This has the potential of requiring unnecessary safety assessments. Remove the requirement of safety assessments but keep the detailed corrective action plan.</p> <p>Add: ... closing of the finding or to reach an acceptable level of safety...</p>
response	<p><i>Not accepted</i></p> <p>Not agreed. ADR.AR.C.035 (c) speaks about open level 2 findings which are defined under ADR.AR.C.055 (c) as:</p> <p>(c) A level 2 finding shall be issued by the competent authority when any non-compliance is detected with the certification basis of the aerodrome, the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, with the aerodrome operators or the providers of apron management services procedures and manuals, with the terms of an approval of a certificate or with the content of a declaration which could lower or possibly hazard safety. These findings are non-compliances and could lower safety and be possibly hazardous. They are therefore safety significant and not trivial. Their impact on safety need to be assessed to place the competent authority in the position to decide if they can be left open until the operator can close these non-compliances by following a corrective action plan.</p> <p>Suggested additions: Not agreed.</p>

While these types of findings are open they should be mitigated so that an acceptable level of safety is maintained. However the corrective action plan should aim for the closure of the finding.

comment	3114	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	move (g) to ADR.OR.B.40, makes more sense.	
response	<i>Not accepted</i>	
	The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.	
comment	3121	comment by: <i>Isavia</i>
	We strongly support the very good and necessary provision with regard to open findings in ADR.AR.C.035 (c) on page 25. This is because it must be possible to issue a certificate even if a few minor findings are not yet closed but with an action plan in place.	
response	<i>Noted</i>	
	This rule is now under (f).	
comment	3122	comment by: <i>Isavia</i>
	ADR.AR.C.035(d)(2). Isavia recommends having only a possibility for one certificate for aerodrome operations, two certificates cannot be granted for an aerodrome in a convincing way. It would be ok to certify infrastructure only with a lower level certificate that would not be issued parallel to the aerodrome operator's certificate, but on a lower level not affecting the certificate of the aerodrome operations.	
response	<i>Not accepted</i>	
	There is no bias here only the implementation of what is foreseen in the Basic Regulation under Art. 8a(d). It is already ensured in ADR.OR.B.005 that "prior to commencing the operation of an aerodrome, the aerodrome operator shall obtain a certificate by the competent authority". This already implies that there shall be no aerodrome operating without an operator, be it on the same or on different certificates.	
	However, EASA does not agree that in the case of the two-certificate option, the losing of the aerodrome certificate should not have an effect on the operator, if the aerodrome is supposed to keep in good condition and meeting the ERs. This obligation is established at the highest level of the Basic Regulation: ER B 1(b) which states that: <i>(b) the aerodrome operator shall verify that the requirements of Section A are complied with at all times or take appropriate measures to mitigate the risks associated with non-compliance. Procedures shall be established and applied to make all users aware of such measures in a timely manner;</i>	

comment	3123	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	stay with the ICAO certificate, internationally recognised and accepted.	
response	<i>Noted</i>	
	The so called ICAO form in Doc. 9774 is just a reproduction of the form used by Transport Canada. EASA has developed its own European certificate, which fulfils ICAO requirements. Since the NPA it has undergone changes and is now GM to the rules.	
comment	3212	comment by: <i>London Biggin Hill Airport</i>
	ADR.AR.C.035 There should be mention of Certificatio Basis in this section, as it would appear to be required as part of the issue of a certificate (e) We support the unlimited duration of the certificate. (g) We support this proposal concerning the scope of changes without requiring prior competent authority approval.	
response	<i>Noted</i>	
	The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB. The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned. (e) and (g): <i>Noted.</i>	
comment	3301	comment by: <i>Southampton Airport</i>
	There is no mention of certification basis in this section but would appear to be required for the issuance of a certificate?	
response	<i>Noted</i>	
	The Certification Basis is indirectly mentioned here via ADR.AR.C.035 (a)(2) where compliance with all the elements of ADR.OR.B.025 is mentioned as a condition for the issuance of certificate; these elements include under ADR.OR.B.025 (a)(1)(ii) the CB. The rule has however moved to (c) as we reshuffled the article to make it more logical. So CB is indirectly mentioned under (c) (2) where ADR.OR.B.025 is mentioned.	
comment	3303	comment by: <i>Southampton Airport</i>
	Southampton Airport and BAA support the unlimited duration of the certificate.	
response	<i>Noted</i>	
comment	3304	comment by: <i>Southampton Airport</i>

	Southampton Airport supports the proposal concerning the scope of changes without requiring prior competent authority approval.
response	<i>Noted</i>
comment	3390 comment by: <i>ADV -German Airports Association</i>
	ADR.AR.C.035 (g) move (g) to ADR.AR.C.040 as "(a)" since this is the more appropriate place to put it.
response	<i>Not accepted</i>
	The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.
comment	3399 comment by: <i>MST / STR - Stuttgart Airport</i>
	ADR.AR.C.035 (g) move (g) to ADR.AR.C.040 as "(a)" since this is the more appropriate place to put it.
response	<i>Not accepted</i>
	The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.
comment	3419 comment by: <i>ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen</i>
	ADR.AR.C.035 (g) move (g) to ADR.AR.C.040 as "(a)" since this is the more appropriate place to put it.
response	<i>Not accepted</i>
	The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.
comment	3458 comment by: <i>Fraport AG</i>
	ADR.AR.C.035 – Issuance of certificate (e) Support

response	<p>The certificate shall be issued for an unlimited duration. ...</p> <p>Fraport Fraport supports the unlimited duration of the certificate.</p> <p style="text-align: right;">AG:</p> <p><i>Noted</i></p>
comment	<p>3459 comment by: <i>Fraport AG</i></p> <p>ADR.AR.C.035 – Issuance of certificate (g)</p> <p>Support</p> <p>Fraport AG: Fraport support, that not all changes need a prior approval by the competent authority.</p>
response	<p><i>Noted</i></p>
comment	<p>3460 comment by: <i>Fraport AG</i></p> <p>ADR.AR.C.035 – Issuance of certificate (g)</p> <p>Editorial</p> <p>To enable an aerodrome operator to implement changes without prior competent authority approval in accordance with ADR.OR.B.040, the competent authority shall approve a procedure submitted by the aerodrome operator defining the scope of such changes and describing how such changes will be managed and notified.</p> <p>Proposed Text To enable an aerodrome operator to implement changes without prior competent authority approval in accordance with ADR.OR.B.040 (c), the competent authority shall approve a procedure submitted by the aerodrome operator defining the scope of such changes and describing how such changes will be managed and notified.</p> <p>Fraport AG: The cross reference should be specified, because of the different options within ADR.OR.B.040.</p>
response	<p><i>Accepted</i></p> <p>Text was changed. The correct reference is now (d).</p>
comment	<p>3461 comment by: <i>Fraport AG</i></p> <p>ADR.AR.C.035 – Issuance of certificate (g)</p> <p>Editorial</p> <p>Move (g) to ADR.AR.C.040 as "(a)".</p> <p>Change numeration of ADR.AR.C.040</p>

	Fraport this is the more appropriate place to put it.	AG:
response	<p><i>Not accepted</i></p> <p>The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.</p>	

ANNEX I - Part-AR - ADR.AR.C.040 – Changes

p. 26-27

comment	12	comment by: <i>airsight GmbH</i>
	<p>ADR.AR.C.040 (f) There should be a defined and approved procedure for changes not requiring approval and not requiring notification as well. Otherwise everything will need to be reported from the aerodrome operator to the competent authority. This additionally effects: ADR.AR.C.035 (g) and ADR.OR.B.040 (c)</p>	
response	<p><i>Partially accepted</i></p> <p>EASA has reviewed the Art. ADR.AR.C.035 and the changes regime on both sides of the rules, authorities and organisations. Please see the relevant section of the rules for that. ADR.AR.C.035 (g) now looks the following way:</p> <p>(g) To enable an aerodrome operator to implement changes without prior competent authority approval in accordance with ADR.OR.B.040 (d), the competent authority shall approve a notification procedure defining the scope of such changes and describing how such changes will be managed and notified. However there was always an assumption that trivial or non-safety related changes would require neither approval nor notification. So the development of a third category to be described is not necessary.</p>	
comment	71	comment by: <i>CAA Norway</i>
	<p>The wording in ADR.AR.C.040 (e) on page 27 is too strict as it could lead to limitations or even closure of an aerodrome for reasons that are not necessarily safety critical. We suggest to insert: "the competent authority shall consider the need to suspend, limit or revoke the certificate"</p>	
response	<p><i>Accepted</i></p> <p>Authorities will always first evaluate the gravity of the problem and then take a decision. However, EASA is willing to change the requirement to the following text: the competent authority shall <u>consider the need</u> to suspend, limit or revoke the certificate</p>	

comment	<p>108 comment by: <i>Flughafen Düsseldorf GmbH</i></p> <p>(f) <u>For changes not requiring prior approval, the competent authority shall assess the information provided in the notification sent by the aerodrome operator in accordance with ADR.OR.B.040 to verify compliance with the Certification Specifications issued by the Agency and the applicable requirements, as appropriate. In case of any non-compliance, the competent authority shall:</u></p> <p>(1) notify the aerodrome operator about the non-compliance and request further changes; and</p> <p>(2) in case of level 1 or level 2 findings, act in accordance with Article ADR.AR.C.055.[g1]</p> <hr/> <p>[g1] Wird eigentlich irgendwo ein vereinfachtes Verfahren geregelt, in dem sich ein Airport-Betreiber gegen aus seiner Sich nicht rechtmäßige Anordnungen wehren kann?</p>
response	<p><i>Noted</i></p> <p>EASA would like to refer the commentator to the legal recourse open to any natural and legal person in case of administrative acts. This exists in all Member States and is not subject of this draft legislation.</p>
comment	<p>161 comment by: <i>CAA-NL</i></p> <p>Please insert ADR.AR.C.035 (g) as new (a).</p>
response	<p><i>Not accepted</i></p> <p>The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.</p>
comment	<p>233 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>(d): the decision making should occur in cooperation with the aerodrome operator</p>
response	<p><i>Noted</i></p> <p>The relationship of a competent authority and an aerodrome operator should be marked by trust, good will and cooperation. However, this cannot be legislated as ultimately the Competent Authority needs to be satisfied about the safety of the aerodrome.</p>
comment	<p>291 comment by: <i>BAA Airside operations</i></p> <p>040 (d) Question.</p>

	This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is "unsuspended" or re-activated again. How is this to be done ?	
response	<i>Noted</i>	
	If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.	
comment	344	comment by: <i>Danish Transport Authority</i>
	(e)	We suggest to modify the wording "the competent authority shall assess the impact and make necessary measures." The need to limit, suspend or as last resort to revoke the certificate can be GM.
response	<i>Partially accepted</i>	
	The actual authority of the Competent Authority, in all aviation domains, rests on the premise that it can revoke or suspend a certificate in case its conditions and limitations under which the operation takes place are not adhered to. To make (d) an GM would be taking away this enforcement measure. It is found in other aviation domains, such as in the latest EASA regulation 290/2012 requirements for authorities in the area of aircrew under ARA.GEN.330 (a). The same rule is also under imminent adoption for competent authorities overseeing air operators. ARO.GEN.330 (a).	
	However, authorities will always first evaluate the gravity of the problem and then take a decision. However, EASA is willing to change the requirement to the following text: the competent authority shall <u>consider the need</u> to suspend, limit or revoke the certificate	
comment	379	comment by: <i>Edinburgh Airport</i>
	ADR.AR.C.040 (d) Question - This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is released from suspension or reactivated. How is this to be done?	
response	<i>Noted</i>	
	If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.	
comment	492	comment by: <i>Icelandic Civil Aviation Administration</i>
	The wording in ADR.AR.C.040 (e) on page 27 is too strict as it could lead to limitations or even closure of an aerodrome for reasons that are not necessarily safety critical. We suggest to insert: "the competent authority shall consider the need to suspend, limit or revoke the certificate"	
response	<i>Accepted</i>	
	Authorities will always first evaluate the gravity of the problem and then	

take a decision. However, EASA is willing to change the requirement to the following text:
the competent authority shall consider the need to suspend, limit or revoke the certificate

comment	538	comment by: <i>Estonian CAA</i>
	<p>"The wording in ADR.AR.C.040 (e) on page 27 is too strict as it could lead to limitations or even closure of an aerodrome for reasons that are not necessarily safety critical. We suggest to insert: "the competent authority shall consider the need to suspend, limit or revoke the certificate""</p>	
response	<i>Accepted</i>	
	<p>Authorities will always first evaluate the gravity of the problem and then take a decision. However, EASA is willing to change the requirement to the following text: the competent authority shall <u>consider the need</u> to suspend, limit or revoke the certificate</p>	
comment	600	comment by: <i>Vienna International Airport</i>
	<p>(d) The sentence should be changed to read the competent authority shall determine in collaboration with the aerodrome operator the conditions under which the aerodrome operator shall operate...</p>	
response	<i>Not accepted</i>	
	<p>The relationship of a competent authority and an aerodrome operator should be marked by trust, good will and cooperation. However, this cannot be legislated as ultimately the Competent Authority needs to be satisfied about the safety of the aerodrome.</p>	
comment	642	comment by: <i>Exeter International Airport</i>
	<p>ADR.AR.C.040 (d) : This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is released from suspension or re-activated. How is this to be done?</p>	
response	<i>Noted</i>	
	<p>If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.</p>	
comment	738	comment by: <i>Finnish Transport Safety Agency</i>
	<p>The wording in ADR.AR.C.040 (e) on page 27 is too strict as it could lead to limitations or even closure of an aerodrome for reasons that are not necessarily safety critical. We suggest to insert: "the competent authority shall consider the need to suspend, limit or revoke the certificate"</p>	
response	<i>Accepted</i>	

Authorities will always first evaluate the gravity of the problem and then take a decision. However, EASA is willing to change the requirement to the following text:
the competent authority shall consider the need to suspend, limit or revoke the certificate

comment 833 comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.C.040 (d) — Changes (p26-27)

2. Justification and Proposed text / comment

It is the role of the aerodrome operator to propose in the safety assessment the conditions under which the aerodrome will operate during the change, and the role of the competent authority to accept (or not) this proposal. Furthermore there is no need for suspending the certificate before the change has been (or not) approved.

DGAC proposes the following modifications of paragraph (d):

ADR.AR.C.040— Changes

"[...]

(d) The competent authority shall *examine and give formal approval to the conditions proposed by* ~~prescribe the conditions under which the aerodrome operator under which it shall operate during the change, unless the competent authority determines that the certificate needs to be suspended.~~

[...]"

response *Not accepted*

Throughout the draft regulation it has been a principle to say that the authority has the right of notification to the operator of the applicable CS, the special conditions or conditions and limitations under which an aerodrome operates. This does not preclude that in its application the operators must indicate what CS he thinks are applicable to the aerodrome or which ELOS he submits or which special conditions he wants to suggest. All this being said the authority can take its decision independent of these suggestions and add to the suggestions. The proposed text change ("examine and give formal approval to the conditions proposed by") here goes too far into the direction of the aerodrome operator writing his own set of conditions and limitations under which to operate. It would be legally very difficult for the authority to move totally away from what is suggested and to take a different approach.

comment 979 comment by: NATS National Air Traffic Services Limited

ADR.AR.C.040(a) and ADR.AR.C.040(b)(2)

Typo: "ADR.OR.B.40" Suggest refer to "ADR.**OR**.B.040".

response *Partially accepted*

No, reference to ADR.OR.B.040 (a) (to be more precise) is correct in ADR.AR.C.040(a).

comment 1030 comment by: Bristol Airport - BRS/EGGD

ADR.AR.C.035 (g)	Support	Bristol Airport supports this proposal concerning the scope of changes without requiring prior competent authority approval
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response Noted

comment 1036 comment by: Bristol Airport - BRS/EGGD

ADR.AR.C.040 (d)	Question	This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is released from suspension or re-activated. How is this to be done?
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response Noted

If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.

comment 1087 comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX II — Part-OR — ADR.OR.B.040 — Changes (p41-42)
- Annex I – Part AR – ADR-AR.C.040 (a) – Changes (p26)
- AMC/GM to ANNEX II — Part-OR — GM1-ADR.OR.D.005 (b)(4) — Management - safety assessment for risk management (p74-87)
- AMC/GM to ANNEX II — Part-OPS –AMC2-ADR-OPS-B.070 — Runway pavement overlays (p163)
- AMC/GM to ANNEX II — Part-OPS – AMC3-ADR-OPS.B.070 — Marking and lighting of Unserviceable areas (p163)
- AMC/GM to ANNEX II — Part-OPS – AMC-ADR-OPS.B.080 — Marking and lighting of vehicles and other mobile objects (p173)
- AMC/GM to ANNEX II — Part-OPS – AMC-ADR-OPS.C.015 — Visual Aids and Electrical Systems (p176)

2. Justification and proposed text / comment

This comment is linked with comment 839 in book II.

Referencing to the Certification specifications in Book I and Book II is not relevant because CS are referring to essential requirements and are applicable only through the certification basis of the aerodrome which includes: the CS applicable to the given aerodrome, and ELOS and SC where appropriate.

This is already taken into account in AMC1-ADR.AR.C.035(f) — Issuance of certificate – paragraph (b) – page 29 : "*prescribed in the certification specifications included in the certification basis of the aerodrome*"

DGAC thus proposes to adopt the same writing in the following

modifications for the provisions of Book I and II that refer to CS, and add the amendment of the certification basis, following a change implying new CS which are applicable, in ADR-AR.C.040 (a) :

ADR-AR.C.040 (a) – Changes

"(a) [...]

(4) the corresponding amended certification basis , if relevant [...]"

GM1-ADR.OR.D.005 (b)(4) – Management

"SAFETY ASSESSMENT FOR RISK MANAGEMENT

...

(d) Necessity for conducting a safety assessment

(1) A safety assessment is carried out for all safety concerns, including; identified safety hazards, deviations from requirements or certification specifications or certification basis or and identified change or for any other items or circumstances where such an assessment is considered a contribution to safety assurance. A safety assessment is an everyday process at an aerodrome with a functioning management system. It may be applied in different scale depending on the safety concern to be assessed. The list below is not exhaustive but identifies some of the main reasons for a safety assessment to be applied.

..."

AMC2-ADR-OPS-B.070 - Runway pavement overlays

"The aerodrome operator should ensure that:

(a) When a runway is to be returned temporarily to an operational status before resurfacing is complete, the temporary ramp should comply with the applicable specifications included in the aerodrome certification basis of the aerodrome CSs;

(b) Before a runway being overlaid is returned to a temporary operational status, a runway centre line marking conforming to the applicable specifications included in the aerodrome certification basis of the aerodrome CSs should be provided;

(c) The location of any temporary threshold should conform to the applicable specifications included in the aerodrome certification basis of the aerodrome CSs."

AMC3-ADR-OPS.B.070 – Marking and lighting of Unserviceable areas

Note: the word "shall" is inappropriately used in this AMC and is to be replaced by "should".

"(a) The aerodrome operator should ensure that:

(1) Unserviceability markers are displayed whenever any portion of a taxiway, apron or holding bay is unfit for the movement of aircraft but it is still possible for aircraft to bypass the area safely;

(2) On a movement area used at night, unserviceability lights should be used;

(3) Unserviceability markers and lights are placed at intervals sufficiently close so as to delineate the unserviceable area.

(b) Unserviceability markers shall should consist of conspicuous upstanding devices such as flags, cones or marker boards;

(c) Unserviceability markers and lights should meet the applicable specifications included in the aerodrome certification basis of the aerodrome CSs."

AMC-ADR-OPS.B.080 — Marking and lighting of vehicles and other mobile objects

" ...

(c) When flags are used to mark mobile objects, they should comply with the applicable specifications included in the aerodrome certification basis of the aerodrome CSs;

" ..."

AMC-ADR-OPS.C.015 — Visual Aids and Electrical Systems

Note: the word "shall" is inappropriately used in this AMC, in paragraph (a), and is to be replaced by "should".

"(a) The aerodrome operator should establish a system of corrective and preventive maintenance which ensures that a light is deemed unserviceable when the main beam average intensity is less than 50 % of the value specified in the applicable specifications included in the aerodrome certification basis of the aerodrome CSs. For light units where the designed main beam average intensity is above the specified in the applicable specifications included in the aerodrome certification basis of the aerodrome CSs, the 50 % value shall should be related to that design value;

" ..."

response Accepted

Yet different wording was chosen.

comment

1101 ❖

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.A.015 (d) — Means of compliance (p16-17)
- ANNEX I - Part-AR - ADR.AR.B.005 (d) — Management system (p20)
- ANNEX I - Part-AR - ADR.AR.C.040(f) – Changes (26-27)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.B.005(d) — Management system (p13-14)
- AMC/GM to ANNEX I — Part-AR — AMC1 -ADR.AR.C.040(f) — Changes (p31-32)
- AMC/GM to ANNEX I — Part-AR — AMC3 -ADR.AR.C.040(a);(f) — Changes (p32-33)
- AMC/GM to ANNEX I — Part-AR - GM1-ADR.AR.C.035(a)(3) – Changes (p28)
- AMC/GM to ANNEX I — Part-AR - GM1-ADR.AR.C.040(c) – Changes (p33)
- ANNEX II - Part-OR – ADR-OR.B.040(a) – Changes (p41-42)
- AMC/GM to ANNEX II — Part-OR — AMC1-ADR.OR.B.040(a) — Changes (p60-61)

This comment is linked to comment 855 of book II (AMC/GM).

2. General comment

These paragraphs lead to many formal exchanges that are not always relevant and that considerably increase the administrative burden of:

- both the EASA and the competent authority for ADR.AR.A.015 (d), ADR.AR.B.005 (d) and the corresponding acceptable means of

- compliance and
- both the aerodrome operator and the competent authority for ADR.AR.C.040(f) and the corresponding acceptable means of compliance.

3. Justification and proposed text / comment

- Paragraph (d) of ADR.AR.A.015

Minor alternative AMC to the ones proposed by EASA may be accepted, due to local special constraints. In order to avoid administrative burden both for the EASA and the competent authority, it is proposed to only notify the "significant" alternative AMC, i.e. the ones which differs notably from the EASA's ones and the ones that will be applied on a national scale. Paragraph (d) of ADR.AR.A.015 requires notification of these alternatives AMC to all other Member States which amplifies considerably the aforementioned administrative burden, in particular for AMC that may not be usable or relevant for other aerodromes.

Paragraph (d) of ADR.AR.A.015 also implies that alternative AMC that could be possibly rejected by EASA will be notified to other Member States, without them knowing of the acceptability the alternative AMC. It is proposed to delete this requirement and let EASA informs all the Member States (for example, through a website) of the AMC that are deemed acceptable.

In order to limit the administrative burden to the most pertinent, DGAC proposes the following modifications of ADR.AR.A.015:

ADR.AR.A.015 – Means of compliance

" [...]

(d) [...] When the competent authority finds that the alternative means of compliance proposed by the aerodrome operator or the provider of apron management services are in accordance with the Implementing Rules, it shall without undue delay:

(1) notify the applicant that the alternative means of compliance may be implemented and, if applicable, amend the approval or certificate of the applicant accordingly;

(2) notify the Agency of their content of the significant ones, including copies of the relevant documentation;

~~*(3) inform other Member States about alternative means of compliance that were accepted.*~~

(e) [...] The competent authority shall provide the Agency with a full description of the significant alternative means of compliance, including any revisions to procedures that may be relevant, as well as an assessment demonstrating that the Implementing Rules are met. "

- Paragraph (d) of ADR.AR.B.005 and AMC1-ADR.AR.B.005 (d)

The adaptation of the procedures of the competent authority is a living and ongoing processes. In order to avoid administrative burden both for the competent authority and the EASA, DGAC proposes to only notify the most significant amendments of the procedures.

ADR.AR.B.005 – Management system

" [...]

(d) A copy of the procedures related to the management system and their significant amendments shall be made available to the Agency for the purpose of standardisation."

AMC1-ADR.AR.B.005 (d) – Management system

"PROCEDURES AVAILABLE TO THE AGENCY

(a) Copies of the procedures in the competent authority's management system should be made available to the Agency for the purpose of standardisation. These should include any significant amendments to the procedures. The procedures should provide at least the following information:

[...]"

- Paragraph (f) of ADR.AR.C.040 and AMC1-ADR.AR.C.040(f)

The tasks allocated to the competent authority for "changes not requiring prior approval" are as high as for those requiring prior approval which is not pertinent.

Considering the numerous changes notified to the competent authority, this would lead to high workload incompatible with available resources.

Furthermore, since every change would be thoroughly examined by the competent authority and providing no comment would be considered as implied approval, this would remove responsibility for the change from the aerodrome operator to the competent authority.

This is a **critical** point for DGAC that proposes the following changes to deal with it:

ADR.AR.C.040 – Changes

"[...] (f) For changes not requiring prior approval, the competent authority shall assess the information provided in the notification sent by the aerodrome operator in accordance with ADR.OR.B.040 to verify compliance with the Certification Specifications ~~basis issued by the Agency and the applicable requirements, as appropriate.~~ In case of any non-compliance, the competent authority shall:

(1) notify the aerodrome operator about the non-compliance and request further changes; and

(2) in case of level 1 or level 2 findings, act in accordance with Article ADR.AR.C.055.

[...]"

AMC1 -ADR.AR.C.040(f) – Changes – page 31

"CHANGES NOT REQUIRING PRIOR APPROVAL

(a) Upon receiving a notification of a change that does not require a prior approval, the competent authority should:

(1) assess the change ~~in relation to~~ **is compliant with** the certification basis and the applicable requirements of Part ADR.OR, Part ADR.OPS, as well as any other applicable requirements;

~~(2) assess if the aerodrome operator has identified all the certification specifications, applicable requirements of Part ADR.OR, Part ADR.OPS, or other applicable requirements which are related to or affected by the change, as well as any cases related to demonstration of an equivalent level of safety;~~

~~(3) assess the actions proposed by the aerodrome operator in order to show compliance with (1) and (2) above;~~

~~(4) review and assess the content of the changes to the aerodrome manual; and;~~

~~(5) evaluate check that the safety assessment that has been submitted by the aerodrome operator, in accordance with AMC1-ADR.AR.C.035(b) and verify its compliance with ADR.OR.B.065 coordinated with third parties, and that it properly identifies risks and mitigation means.~~

~~[...]"~~

- ~~AMC3 -ADR.AR.C.040(a);(f) — Changes (p32-33) and GM1-ADR.AR.C.035(a)(3) – Changes (p28)~~

~~In paragraph (a), the changes in nominated persons should not be transmitted to the competent authority as they are not significant safety related matter. The competency of nominated persons should be assessed by the aerodrome operator within its SMS, and the authority will oversee the SMS functioning is adequate, but not assess directly the competency of aerodrome operator staff. The word "qualification" should be avoided (see comment n°869 on qualifications). It is consequently proposed to delete this paragraph.~~

~~In paragraph (c): only significant amendments of the management system documentation should be notified to the competent authority.~~

~~It is consequently proposed to modify AMC3 -ADR.AR.C.040(a);(f) — Changes as follows :~~

AMC3 -ADR.AR.C.040(a);(f) — Changes (p32-33)

GENERAL

~~(a) Changes in nominated persons: The competent authority should be informed of any changes to personnel specified in Part ADR.OR that may affect the certificate or the terms of approval attached to it. When an aerodrome operator submits the name of a nominee for the nominated persons mentioned in ADR.OR.D.015, the competent authority should assess his/her qualifications and may interview the nominee or call for additional evidence of his/her suitability before deciding upon his/her acceptability (see GM1-ADR.AR.C.035(a)(3)).~~

~~(b) A documented systematic approach should be used for maintaining the information on when an amendment was received by the competent authority and when it was approved.~~

~~(c) The competent authority should receive from the aerodrome operator each significant management system documentation amendment, including amendments that do not require prior approval by the competent authority. Where the amendment requires the competent authority's approval, the competent authority, when satisfied, should indicate its approval in writing. Where the amendment does not require prior approval, the competent authority should acknowledge receipt in writing within the time limits existing~~

~~under the relevant national legislation.~~

~~[...]"~~

~~and delete **GM1-ADR.AR.C.035(a)(3) – Changes**~~

GM1-ADR.AR.C.040(c)

It is agreed that any changes to the terms of approval of the certificate should be prior approved by the competent authority. However, this does not systematically lead to the formal change of the certificate itself : for a temporary change the formal process of modifying the certificate might

take longer than the changes itself.

It is proposed to modify GM1-ADR.AR.C.040(c) : change "~~irrespective of their magnitude~~" by "where appropriate"

- Paragraph (a) of ADR.OR.B.040 and AMC1-ADR.OR.B.040(a)

Paragraph (a)(3) of ADR.OR.B.040 is not clear on which entity (the competent authority or the aerodrome operator) decides whether a change needs to be approved by the competent authority or not. DGAC proposes modify it to indicate more explicitly that these changes are those that the competent authority finds necessary to be approved:

ADR.OR.B.040 – Changes

"(a) Any significant change affecting:

- (1) the terms of approval of the certificate; or
- (2) any of the elements of the operator's management system as required in ADR.OR.D.005 (b)(1), (b)(3), (b)(4), (b)(6) and (b)(7); or
- (3) any additional elements notified to the competent authority in accordance with paragraph (c) ~~but found necessary to be approved by the competent authority~~ found necessary by the competent authority to be approved,

~~shall require prior approval by the competent authority.~~

[...]"

Paragraph (b) of AMC1-ADR.OR.B.040(a) gives too much details while flexibility is needed and the changes requiring prior approval by the competent authority are already defined in accordance with paragraph (a) and (c) of ADR.OR.B.040. It is essential to delete this paragraph to prevent from useless increased administrative burden between the aerodrome operator and the competent authority.

AMC1-ADR.OR.B.040(a) – Changes

"~~CHANGES REQUIRING PRIOR APPROVAL~~

[...]

~~(b) Examples of such changes include, but are not limited to, the following:~~

~~(1) changes to the physical characteristics of a runway; such as:~~

~~(i) new runway(s): a development resulting in the construction of a 'new' runway (e.g. new construction, or the change of an existing grass surface to a paved surface);~~

~~(ii) runway extension or shortening resulting in an amendment to declared distances;~~

~~(iii) threshold relocation (Instrument Status): a development involving relocation of the instrument runway threshold, or relocation of a non-instrument runway threshold in preparation for instrument status;~~

~~(iv) changes to runway designation.~~

~~(2) changes of the aerodrome visual aids or other changes to the aerodrome, when such changes are associated with a change (upgrade or downgrade) of the intended operations (e.g. to accommodate low visibility operations and/or night operations);~~

~~(3) changes in the aerodrome operating minima;~~

~~(4) change that affects the obstacle limitation surfaces associated with approved type of approaches;~~

~~(5) change in the level of the rescue and fire-fighting services;~~

~~(6) changes in the organisational structure of the organisation, including~~

	responsibilities, and accountabilities; (7) changes related to fuel provision."
response	<p><i>Not accepted</i></p> <p>On ADR.AR.C.040 – Changes (f): When asking for a change not requiring prior approval this will also be one that is not yet included in the CB or the aerodrome manual yet. Therefore the point of orientation for the change are the applicable CS for that change and/or the other requirements (meaning those coming from Part ADR.OR or ADR.OPS).</p> <p>Please note also the revised ADR.OR.B.040.</p>
comment	<p>1165 comment by: <i>CAA Austria - Ministry of Transport</i></p> <p>(d) The sentence should be changed to read the competent authority shall determine in collaboration with the aerodrome operator the conditions under which the aerodrome operator shall operate...</p>
response	<p><i>Not accepted</i></p> <p>The relationship of a competent authority and an aerodrome operator should be marked by trust, good will and cooperation. However, this cannot be legislated as ultimately the Competent Authority needs to be satisfied about the safety of the aerodrome.</p>
comment	<p>1235 comment by: <i>Gatwick Airport Ltd</i></p> <p>(d) Question This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is released from suspension or re-activated. How is this to be done?</p>
response	<p><i>Noted</i></p> <p>If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.</p>
comment	<p>1259 comment by: <i>Blackpool Airport - BLK/EGNH</i></p> <p>ADR.AR.C.040 (d) : This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is released from suspension or re-activated. How is this to be done?</p>
response	<p><i>Noted</i></p> <p>If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.</p>
comment	<p>1331 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>ADR.AR.C.040 (a) - Changes: Please change first sentence to "...and if necessary, notify the aerodrome operator of any missing elements regarding:"</p>

	<p>Justification: With the aerodrome operator being the change originator, the aerodrome operator should propose the elements mentioned under ADR.AR.C.040 (a) (1) - (3) to the authority as part of the change application. The authority then assesses the application and notifies the aerodrome operator of eventually missing elements.</p> <p>ADR.AR.C.040 (e): FOCA suggests wording "the competent authority shall consider the need to suspend, limit or revoke the certificate". Justification: Wording is too restrictive as it could lead to limitations or even closure of an aerodrome for reasons that are not necessarily safety critical.</p>
response	<p><i>Partially accepted</i></p> <p>On ADR.AR.C.040(a): Not agreed. It would be micro-management to make a rule for incomplete applications. It goes without saying that the Competent Authority only assess complete applications for change. The application may contain the elements (a) 1 and 3 but EASA wants to state clearly that the Competent Authorities have the duty to evaluate the application and actively notify the applicant if these are indeed the corrects CS, if there are additional CS needed that the aerodrome operator did not consider and if need be also prescribe special conditions. Please see the relevant AMC1-ADR.AR.C.040 (a).</p> <p>On ADR.AR.C.040(e): Agreed. Authorities will always first evaluate the gravity of the problem and then take a decision. However, EASA is willing to change the requirement to the following text: the competent authority shall <u>consider the need</u> to suspend, limit or revoke the certificate</p>
comment	<p>1410 comment by: <i>Salzburger Flughafen GmbH</i></p> <p>(d) The sentence should be changed to read the competent authority shall determine in collaboration with the aerodrome operator the conditions under which the aerodrome operator shall operate...</p>
response	<p><i>Not accepted</i></p> <p>The relationship of a competent authority and an aerodrome operator should be marked by trust, good will and cooperation. However, this cannot be legislated as ultimately the Competent Authority needs to be satisfied about the safety of the aerodrome.</p>
comment	<p>1493 comment by: <i>Aberdeen Airport Airside Operations</i></p> <p>(d) Question - This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is "unsuspended" or re-activated again. How is this to be done.</p>
response	<p><i>Noted</i></p> <p>If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.</p>

comment	<p>1512 comment by: <i>Flughafen Linz-Hörsching - LNZ/LOWL</i></p> <p>(d) Change sentence in: the competent authority shall determine in collaboration with the aerodrome operator the conditions under which the aerodrome operator shall operate...</p>
response	<p><i>Not accepted</i></p> <p>The relationship of a competent authority and an aerodrome operator should be marked by trust, good will and cooperation. However, this cannot be legislated as ultimately the Competent Authority needs to be satisfied about the safety of the aerodrome.</p>
comment	<p>1553 comment by: <i>Zürich Airport</i></p> <p>How can aerodrome operator re-activate the certification after suspension, limitation or revocation? Process must be proportionate.</p>
response	<p><i>Noted</i></p> <p>If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.</p>
comment	<p>1554 comment by: <i>London Luton Airport Operations Ltd</i></p> <p>if a certificate can be suspended, what notice of suspension will be applied and what conditions would provoke such an action.</p> <p>(e), (f) and ADR.AR.C.035 (g) need to be compared to ensure there is no ambiguity for what requires competent authority approval and what is permissible without it.</p>
response	<p><i>Noted</i></p> <p>In fact EASA has reviewed ADR.AR.C.035 (g) and also the OR rule on changes (ADR.OR.B.040) to be more clear about what requires prior approval and how to install a notification procedure for other changes. Additionally EASA has developed GM with a summary of all items that require prior approval throughout the Parts ADR.OR and ADR.OPS.</p>
comment	<p>1633 comment by: <i>Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i></p> <p>(d) The sentence should be changed to read the competent authority shall determine in collaboration with the aerodrome operator the conditions under which the aerodrome operator shall operate...</p>
response	<p><i>Not accepted</i></p> <p>The relationship of a competent authority and an aerodrome operator should be marked by trust, good will and cooperation. However, this cannot be legislated as ultimately the Competent Authority needs to be satisfied about the safety of the aerodrome.</p>

comment	<p>1665 comment by: <i>Swedish Transport Agency</i></p> <p>The wording in ADR.AR.C.040 (e) on page 27 is too strict as it could lead to limitations or even closure of an aerodrome for reasons that are not necessarily safety critical. We suggest to insert: "the competent authority shall consider the need to suspend, limit or revoke the certificate"</p>
response	<p><i>Accepted</i></p> <p>Authorities will always first evaluate the gravity of the problem and then take a decision. However, EASA is willing to change the requirement to the following text: the competent authority shall <u>consider the need</u> to suspend, limit or revoke the certificate</p>
comment	<p>1669 comment by: <i>Swedish Transport Agency</i></p> <p>ADR.AR.C.045 (b) (2) We suggest removing "it has approved the aerodrome manual submitted by the new aerodrome operator". The competent authority shall issue a certificate when the applicant has shown that the aerodrome complies with the agreed CB and the aerodrome has no features or characteristics making it unsafe for operation. If the aerodrome manual shall been approved of the competent authority we will be a part of the operations.</p>
response	<p><i>Accepted</i></p> <p>This comment is placed in the wrong section. The comment is moved to ADR.AR.C.045 - Change of aerodrome operator.</p> <p>EASA has deleted the requirement ADR.AR.C.045.</p>
comment	<p>1711 comment by: <i>Flughafen Graz Betriebs GmbH</i></p> <p>(d) The sentence should be changed to read the competent authority shall determine in collaboration with the aerodrome operator the conditions under which the aerodrome operator shall operate...</p>
response	<p><i>Not accepted</i></p> <p>Throughout the draft regulation it has been a principle to say that the authority has the right of notification to the operator of the applicable CS, the special conditions or in particular the conditions and limitations under which an aerodrome operates. All this being said the authority can take its decision on the basis of suggestions of the operator or make its decision absolutely independent of the operator.</p>
comment	<p>1733 comment by: <i>CAA Norway</i></p> <p>If it is meant in ADR.AR.C.040 (f) that all changes that do not need prior approval shall be notified to the competent authority, Norway has several objections. Besides the administrative burden with assessing the changes to verify compliance with the CS, the article shift to much of the responsibility from the operator towards the authority. In addition Norway</p>

	is of the opinion that changes are sufficiently handled in ADR.AR.C.035 (g) - which says the operators procedures for changes shall be approved by the authority.
response	<p><i>Noted</i></p> <p>The line of demarcation between very simple routine maintenance work that might not have to be notified, and changes that can be managed by the operator which only get notified will have to be established between the operator and the authority under the notification procedure described under ADR.AR.C.035 (g).</p>

comment	<p>1764 comment by: UK CAA</p> <p>Page No: 26</p> <p>Paragraph No: ADR.AR.C.040 (a) (1) and (1)(i) and (1)(ii)</p> <p>Comment: The proposed change submitted by the aerodrome operator should be accompanied by the relevant Certification Specifications (CS) applicable to the change. Suggest delete paragraphs ADR.AR.C.040 (a) (1) and (1)(i) (ii). Paragraphs ADR.AR.C.040 (a) (2) and (3) become Paragraphs (a) (1) and (2).</p> <p>Justification: It should not be the responsibility of the competent authority to identify those CSs. This would impact on the competent authorities' resources and would relieve the aerodrome operator of the need to fully analyse the impact of the change.</p> <p>Proposed Text: Delete paragraphs ADR.AR.C.040 (a) (1) and (1)(i) (ii). Paragraphs ADR.AR.C.040 (a) (2) and (3) become paragraphs (a) (1) and (2) as follows: “(a) Upon receiving an application for a change, in accordance with ADR.OR.B.040, that requires prior approval, the competent authority shall assess the application and notify the aerodrome operator of: (1) any other Certification Specification issued by the Agency that the competent authority finds is directly related to the proposed change; (2) any special condition, and amendment to special conditions, prescribed by the competent authority in accordance with Article ADR.AR.C.025, that the competent authority finds is necessary.”</p>
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response	<p><i>Not accepted</i></p> <p>The text block used for ADR.AR.C.040 — Changes here is almost the same as that under the establishment of certification basis under ADR.AR.C.020 (a) and (b) and (c). This is necessary for legal certainty for determining which CS are the applicable ones to the change. In the continental European approach to law the operator needs to be given a cut-off point for the applicable CS to the change as orientation.</p> <p>The AMC1-ADR.AR.C.040(a) under (a)(2) suggests that the Competent Authority assess if the operator has identified he correct CS, meaning that the onus of this compilation of the applicable CS is on the operator.</p>
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comment	<p>1766 comment by: UK CAA</p>
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Page No: 26

Paragraph No: ADR.AR.C.040

Comment: In a total system approach we look for consistency and compatibility over the provisions governing SMS, including the management of change. This is particularly difficult in this domain because aerodrome operators are often entwined with ANSPs which are currently subject to rules inherited from the SES environment. It will be important to consider how processes in these areas can best be aligned or made compatible with each other, together with those of other organisations active at aerodromes, such as air operators and ground handlers, to ensure a total system approach to oversight.

Justification: Commonality and standardisation of processes.

response *Noted*

comment *1802* comment by: *Geneva International Airport (ROMIG)*
Article (d) - the sentence should be changed to read "the competent authority shall determine in collaboration with the aerodrome operator the conditions under which the aerodrome operator shall operate..."

response *Not accepted*

The relationship of a competent authority and an aerodrome operator should be marked by trust, good will and cooperation. However, this cannot be legislated as ultimately the Competent Authority needs to be satisfied about the safety of the aerodrome.

comment *1808* comment by: *Stansted Airport*
ADR.AR.C.040 (d)
Question

This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is "unsuspended" or re-activated again. How is this to be done ?

response *Noted*

If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.

comment *1998* comment by: *Geneva International Airport (ROMIG)*
ADR.AR.C.040 (e) - suggest to change the wording to "the competent authority shall consider the need to suspend, limit or revoke the certificate". This is a little less stringent than the original text.

response *Accepted*

Authorities will always first evaluate the gravity of the problem and then take a decision. However, EASA is willing to change the requirement to the

following text:
the competent authority shall consider the need to suspend, limit or revoke the certificate.

comment 2024 comment by: *Airport Operators Association*
ADR.AR.C.040 (d) This provision raises the possibility for a certificate to be suspended. However, there is no mention of how a certificate is released from suspension or re-activated. This needs to be established and explained.

response *Noted*
If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.

comment 2070 comment by: *Ministry of Infrastructure and Agriculture of Brandenburg*
As the change is caused by the aerodrome operator, he has to propose the elements mentioned under ADR.AR.C.040 (a) 1 – 3 to the authorities as part of the change application.

response *Noted*
On ADR.AR.C.040(a):
The application may contain the elements (a) 1 and 3 but EASA wants to state clearly that the Competent Authorities have the duty to evaluate the application and actively notify the applicant if these are indeed the correct CS, if there are additional CS that the aerodrome operator did not consider and if it does indeed need to prescribe special conditions.

comment 2119 comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*
As the aerodrome operator caused the change, he should propose the elements mentioned under ADR.AR.C.040(a)(1)–(3) to the authority as part of the change application. The authority then may assess the application and notify the operator of any missing element.

Para e): The wording of this provision does not reflect that not all changes might be safety critical. Therefore it is suggested to rephrase: "[...] **shall assess the need to suspend, limit or revoke the certificate.**"

response *Accepted*
On ADR.AR.C.040(a):
Noted.
It goes without saying that the Competent Authority only assess complete applications for change. The application may contain the elements (a) 1 and 3 but EASA wants to state clearly that the Competent Authorities have the duty to evaluate the application and actively notify the applicant if these are indeed the corrects CS, if there are additional CS that the aerodrome operator did not consider and if it does indeed need to prescribe special conditions.

On ADR.AR.C.040(e):
 Agreed.
 Authorities will always first evaluate the gravity of the problem and then take a decision. However, EASA is willing to change the requirement to the following text:
 the competent authority shall consider the need to suspend, limit or revoke the certificate

comment	2198 comment by: <i>AESA - Agencia Estatal de Seguridad Aérea</i>
	<p>b) The competent authority shall approve the change when: (1) it has approved any changes to the aerodrome manual, submitted by the aerodrome operator; and (2) the aerodrome operator has demonstrated, to the satisfaction of the competent authority, compliance with the elements required in ADR.OR.B.40.</p> <p><i>Changes are in ADR.OR.B.040 and ADR.OR.B.045, as well.</i></p>
response	<p><i>Partially accepted</i></p> <p>No, reference to ADR.OR.B.040 (a) (to be more precise) is correct in ADR.AR.C.040(a).</p>
comment	<p>2404 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(d) Question?</p> <p>This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is released from suspension or re-activated. How is this to be done?</p>
response	<p><i>Noted</i></p> <p>If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.</p>
comment	<p>2602 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 26</p> <p>Paragraph No: ADR.AR.C.040 (d)</p> <p>Comment: This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is released from suspension or re-activated. How is this to be done?</p>
response	<p><i>Noted</i></p> <p>If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.</p>

comment	2603	comment by: <i>Infratil Airports Europe Ltd</i>
	Page No: 27	
	Paragraph No: ADR.AR.C.040 (g)	
	Comment: A new bullet point is required (g). The Competent Authority should be required to publish expected timescales for acceptance of changes to allow aerodrome operators to plan ahead in advance.	
response	<i>Partially accepted</i>	
	EASA will place the words "in due time" into the AMC1—ADR.AR.C.040(a) into the steps of notifying and approving changes.	
comment	2691	comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>
	ADR.AR.C.040 (d)	Question This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is released from suspension or re-activated. How is this to be done?
response	<i>Noted</i>	
	If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.	
comment	2819	comment by: <i>Flughafen Klagenfurt</i>
	(d) The sentence should be changed to read the competent authority shall determine in collaboration with the aerodrome operator the conditions under which the aerodrome operator shall operate...	
response	<i>Not accepted</i>	
	The relationship of a competent authority and an aerodrome operator should be marked by trust, good will and cooperation. However, this cannot be legislated as ultimately the Competent Authority needs to be satisfied about the safety of the aerodrome.	
comment	2853	comment by: <i>Norwich International Airport</i>
	ADR.AR.C.040 (d)	
	This raises the possibility for a certificate to be suspended. There is no mention of how a certificate is released from suspension or re-activated. What will be the mechanism for suspension and re-activation?	
response	<i>Noted</i>	
	If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.	
comment	3076	comment by: <i>BMVBS - Federal Ministry of Transport, Building</i>

and Urban Development

As the aerodrome operator caused the change, he should propose the elements mentioned under ADR.AR.C.040(a)(1)-(3) to the authority as part of the change application. The authority then may assess the application and notify the operator of any missing element.

Para e): The wording of this provision does not reflect that not all changes might be safety critical. Therefore it is suggested to rephrase: "**[...] shall assess the need to suspend, limit or revoke the certificate.**"

response

Accepted

On ADR.AR.C.040(a):
Noted.

It goes without saying that the Competent Authority only assess complete applications for change. The application may contain the elements (a) 1 and 3 but EASA wants to state clearly that the Competent Authorities have the duty to evaluate the application and actively notify the applicant if these are indeed the corrects CS, if there are additional CS that the aerodrome operator did not consider and if it does indeed need to prescribe special conditions.

On ADR.AR.C.040(e):
Agreed.

Authorities will always first evaluate the gravity of the problem and then take a decision. However, EASA is willing to change the requirement to the following text:

the competent authority shall consider the need to suspend, limit or revoke the certificate

comment

3124

comment by: *Isavia*

The wording in ADR.AR.C.040 (e) on page 27 is too strict as it could lead to limitations or even closure of an aerodrome for reasons that are not necessarily safety critical. We suggest to insert: "the competent authority shall consider the need to suspend, limit or revoke the certificate"

response

Accepted

Authorities will always first evaluate the gravity of the problem and then take a decision. However, EASA is willing to change the requirement to the following text:

the competent authority shall consider the need to suspend, limit or revoke the certificate

comment

3128

comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*

(d) should be ammended to read "the competent authority shall determine in collaboration with the aerodrome operator the conditions under which the aerodrome operator shall operate..."

response

Not accepted

The relationship of a competent authority and an aerodrome operator

should be marked by trust, good will and cooperation. However, this cannot be legislated as ultimately the Competent Authority needs to be satisfied about the safety of the aerodrome.

comment 3139 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
 (e) suggest ammendment "the competent authority shall consider the need to suspend, limit or revoke the certificate"

response *Accepted*
 On ADR.AR.C.040(e):
 Agreed. Authorities will always first evaluate the gravity of the problem and then take a decision. However, EASA is willing to change the requirement to the following text:
 the competent authority shall consider the need to suspend, limit or revoke the certificate

comment 3197 comment by: *East Midlands Airport - EMA/EGNX*
 Process detailed places a requirement on the aerodrome to micro-manage changes, how far do you go with it ?
 For example do we need to inform the competent authority if we are refreshing the runway markings?

response *Noted*
 The line of demarcation between very simple routine maintenance work that might not have to be notified, and changes that can be managed by the operator which only get notified will have to be established between the operator and the authority under the notification procedure described under ADR.AR.C.035 (g).

comment 3231 comment by: *London Biggin Hill Airport*
 ADR.AR.C.040(d) If a certificate is suspended, how is the certificaterelased from suspension or reactivated? there is no mention as to how this is done.

response *Noted*
 If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take the same form.

comment 3305 comment by: *Southampton Airport*
 Under (d) - inference is that certificates may be suspended. We would support clarification on whether that is the case or and the mechanism by which any suspension is lifted.

response *Noted*
 If a certificate has been suspended by the Competent Authority by way of administrative act in written form, the undoing of the suspension will take

the same form.

comment	<p>3462 comment by: <i>Fraport AG</i></p> <p>ADR.AR.C.040 – Changes (a)</p> <p>Editorial</p> <p>Insert paragraph (g) from ADR.AR.C.035 as (a)</p> <p>Change numeration of ADR.AR.C.040</p> <p>Fraport AG: this is the more appropriate place to put it</p>
response	<p><i>Not accepted</i></p> <p>The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification.</p>
comment	<p>3463 comment by: <i>Fraport AG</i></p> <p>ADR.AR.C.040 – Changes (b) / new numeration!</p> <p>Editorial</p> <p>Upon receiving an application for a change, in accordance with ADR.OR.B.40, that requires prior approval, the competent authority shall assess the application and notify the aerodrome operator of:</p> <p>Proposed Text Upon receiving an application for a change, in accordance with ADR.OR.B.040 (a) and (b), that requires prior approval, the competent authority shall assess the application and notify the aerodrome operator of:</p> <p>Fraport AG: The cross reference should be corrected and specified by the relating sub paragraphs.</p>
response	<p><i>Partially accepted</i></p> <p>The suggestion to move ADR.AR.035 (g) to the next IR was not accepted. The notification procedure described under ADR.AR.C.035 (g) is to be set up at the time of the first certification of the aerodrome and is part of the conditions that underpin the continued validity of the certificate (being itself subject to prior approval if it were to be changed). Therefore, the said procedure is correctly placed ahead of a first change occurring, but being put in place at the initial certification. So here in ADR.AR.C.040 - Changes it is only useful to refer to (a).</p>

ANNEX I - Part-AR - ADR.AR.C.045 – Change of aerodrome operator

p. 27

comment	109	comment by: <i>Flughafen Düsseldorf GmbH</i>
	(c) The competent authority shall prescribe any conditions it <u>finds necessary</u> ^[g1] under which the aerodrome operator shall operate during the change, unless the competent authority determines that the certificate needs to be suspended.	
	^[g1] Hier sollte doch ein etwas objektiverer Maßstab gewählt werden (z.B. „as appropriate“)	
response	<i>Noted</i>	
	The rule on change of aerodrome operator was abolished. There is now only a guidance material on that subject under the AMC/GM on the rule ADR.AR.C.040.	
comment	265	comment by: <i>CAA Norway</i>
	Suggest rewording: "..it has approved all relevant parts of the Aerodrome Manual submitted by the aerodrome operator." Not all parts of an aerodrome manual are safety relevant.	
response	<i>Noted</i>	
	The rule on change of aerodrome operator was abolished. There is now only a guidance material on that subject under the AMC/GM on the rule ADR.AR.C.040.	
comment	493	comment by: <i>Icelandic Civil Aviation Administration</i>
	We suggest rewording of ADR.AR.C.045 (b) (2) on page 27: "..it has approved all relevant parts of the Aerodrome Manual submitted by the aerodrome operator." Not all parts of an aerodrome manual is safety relevant.	
response	<i>Noted</i>	
	The rule on change of aerodrome operator was abolished. There is now only a guidance material on that subject under the AMC/GM on the rule ADR.AR.C.040.	
comment	539	comment by: <i>Estonian CAA</i>
	We suggest rewording of ADR.AR.C.045 (b) (2) on page 27: "..it has approved all relevant parts of the Aerodrome Manual submitted by the aerodrome operator." Not all parts of an aerodrome manual is safety relevant.	
response	<i>Noted</i>	
	The rule on change of aerodrome operator was abolished. There is now only a guidance material on that subject under the AMC/GM on the rule ADR.AR.C.040.	

comment	<p>835 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> ANNEX I - Part-AR - ADR.AR.C.045 (a) — Change of aerodrome operator (p27) <p><u>2. Justification and proposed text / comment</u></p> <p>The choice of delivering two certificates (for the aerodrome and for its operations) is an option for States according to Reg 216-2008 (cf article 8A – 2.(a) : “a certificate shall be required in respect of each aerodrome. [...] The certificate shall cover the aerodrome, its operation and its safety-related equipment” ; and article 8A – (d) “They may also be recognised through the issuance of a separate certificate if the Member State where the aerodrome is located so decides.”).</p> <p>However, ADR.AR.C.045 (a) is written as if the sole options was the delivery of two different certificates.</p> <p>Consequently, it is proposed to detail ADR.AR.C.045 (a), paragraph (2) :</p> <p>ADR.AR.C.045 “(a) [...]” “(2) <i>issue a new certificate for the aerodrome concerned. If the State where the aerodrome is located decided to issue a separate certificate to the aerodrome operator, and another certificate should be issued for the aerodrome operator, if the new aerodrome operator is not the operator of other aerodromes</i>”</p>
response	<p><i>Noted</i></p> <p>The rule on was abolished. There is now only a guidance material on that subject under the AMC/GM on the rule ADR.AR.C.040.</p>
comment	<p>991 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p><u>ADR.AR.C.045(a)(1) and ADR.AR.C.045(a)(2)</u></p> <p>What are the requirements if the new operator is also the operator of other aerodromes but not in the same member state?</p> <p>Suggest the text is qualified such that the operation of other aerodromes is in the same Member State or if not what are the applicable requirements.</p>
response	<p><i>Noted</i></p> <p>Legally not foreseen. As a consequence of Basic Regulation in recital (8) of Regulation 1108/2009 the aerodrome operator of an aerodrome always has to have a certificate from the country in which the aerodrome is located.</p> <p>The rule on was abolished. There is now only a guidance material on that subject under the AMC/GM on the rule ADR.AR.C.040.</p>

comment	1767 comment by: UK CAA
	<p>Page No: 27</p> <p>Paragraph No: ADR.AR.C.045</p> <p>Comment: The wording of (a) only makes sense in cases where there are two separate certificates, one for the aerodrome and one for the aerodrome operator. At least in the case of only one certificate, the first sentence in AMC1-ADR.AR.C.045(a);(b) should be elevated to this IR and it would simplify drafting to make this a first step in any approval process.</p> <p>Justification: The need to ensure that the new operator complies with the applicable requirements prior to the competent authority issuing either a new single certificate or amending existing operator certificates where there are two certificates should be a non-negotiable requirement. It should also be the first step in the approval process. The text needs clarifying to provide for these different circumstances.</p> <p>Proposed Text:</p> <p>(a) Upon receiving an application for the change of the operator of an aerodrome, in accordance with Article ADR.OR.B.055, the competent authority shall:</p> <p>(1) ensure that the new operator complies with the applicable requirements;</p> <p>(2) in cases where two separate certificates are prescribed, issue a new certificate for the aerodrome concerned and either amend any existing aerodrome operator certificate held by or issue a new aerodrome operator certificate to the new operator of the aerodrome concerned;</p> <p>(3) in cases where a single certificate is prescribed issue a new certificate; and</p> <p>(4) revoke previous certificates as necessary.</p>
response	<p><i>Noted</i></p> <p>The rule on change of aerodrome operator was abolished. There is now only a guidance material on that subject under the AMC/GM on the rule ADR.AR.C.040.</p>
comment	<p>2289 comment by: AENA - Aeropuertos Españoles y Navegación Aérea</p> <p>The choice of delivering two certificates (for the aerodrome and for its operations) is an option for States according to Reg 216-2008 (cf article 8A - 2.(a) : "a certificate shall be required in respect of each aerodrome. [...] The certificate shall cover the aerodrome, its operation and its safety-related equipment" ; and article 8A - (d) "They may also be recognised through the issuance of a separate certificate if the Member State where the aerodrome is located so decides.").</p> <p>However, ADR.AR.C.045 (a) is written as if the sole options was the delivery of two different certificates.</p> <p>Consequently, it is proposed to detail ADR.AR.C.045 (a), paragraph (2) :</p> <p>ADR.AR.C.045</p>

	<p>"(a) [...] (2) issue a new certificate for the aerodrome concerned. If the State where the aerodrome is located decided to issue a separate certificate to the aerodrome operator, and another certificate should be issued for the aerodrome operator, if the new aerodrome operator is not the operator of other aerodromes"</p>
response	<p><i>Noted</i></p> <p>The rule on change of aerodrome operator was abolished. There is now only a guidance material on that subject under the AMC/GM on the rule ADR.AR.C.040.</p>
comment	<p>3070 comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <p>Comment on ADR AR.C.045 (a) (1) What are the requirements if the new operator is also the operator of other aerodromes but not in the same member state? Proposed solution- Qualify the text such that the operation of other aerodromes is in the same Member State or if not what are the applicable requirements.</p> <p>Comment on ADR.AR.C.045 (a) (2) What are the requirements if the new operator is also the operator of other aerodromes but not in the same member state? Proposed solution- Qualify the text such that the operation of other aerodromes is in the same Member State or if not what are the applicable requirements.</p>
response	<p><i>Noted</i></p> <p>The rule on change of aerodrome operator was abolished. There is now only a guidance material on that subject under the AMC/GM on the rule ADR.AR.C.040.</p>
comment	<p>3125 comment by: <i>Isavia</i></p> <p>We suggest rewording of ADR.AR.C.045 (b) (2) on page 27: "..It has approved all relevant parts of the Aerodrome Manual submitted by the aerodrome operator." Not all parts of an aerodrome manual is safety relevant.</p>
response	<p><i>Noted</i></p> <p>The rule on change of aerodrome operator was abolished. There is now only a guidance material on that subject under the AMC/GM on the rule ADR.AR.C.040.</p>

comment	<p>110 comment by: Flughafen Düsseldorf GmbH</p>
	<p><u>(b) If the declaration does not contain the required information, or contains information that indicates non-compliance with applicable requirements, the competent authority shall notify the provider of apron management services and the aerodrome operator about the non-compliance and request further information. If required, the competent authority shall carry out an inspection of the provider of apron management services and the aerodrome operator. If the non-compliance is confirmed, the competent authority shall take action as defined in ADR.AR.C.055.</u> [g1]</p>
	<p>[g1]Nachforderungen und ein weiteres Vorgehen sollten jeweils erst nach Ablauf einer angemessenen Frist erfolgen.</p>
response	<p><i>Noted</i></p> <p>Again good administrative practice in Western Democracies with the rule of law and good administrative conduct are rightly being assumed here.</p>
comment	<p>162 comment by: CAA-NL</p>
	<p>We suggest to delete this paragraph about apron management service providers.</p>
response	<p><i>Not accepted</i></p>
	<p>Please read recital 12 of the draft Regulation: (12) Requirements for apron management services should follow at a later stage, to be developed jointly with ATM and aerodrome experts, and thus certain articles of this Regulation should come into effect when such requirements for apron management services have been adopted. And Paragraph 2 of Art. 11 - Entry into force, where it is said that ADR.AR.C.050 will only come into force when the IRs for provision of Apron Management Services shall be in effect. Please read the terms of reference for the task RMT.0485. https://easa.europa.eu/rulemaking/docs/tor/RMT/ToR%20RMT.0485%20%20RMT.0465.pdf The relevant rulemaking group has just been established.</p>
comment	<p>1033 ❖ comment by: DGAC Direction Générale de l'aviation civile</p>
	<p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • A. Explanatory Note - II. Process and scope (p5,6): note 2 • Draft Commission Regulation (p2-5): §12 • ANNEX I - Part-AR - ADR.AR.C.005 — Oversight (p23) • ANNEX I - Part-AR - ADR.AR.C.050 — Declarations of providers of apron management services (p27-28) • ANNEX I - Part AR - APPENDIX I (p32-33) • ANNEX I - Part AR - APPENDIX II (p34-36) • ANNEX II - Part-OR - ADR.OR.B.060 — Declaration of providers of apron management services (p43-44) • ANNEX II - Part-OR - APPENDIX II (p61-62) • AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem (p3) • AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.C.005 — Oversight (p18) • AMC/GM to ANNEX II — Part-OR — AMC2-ADR.OR.E.005 — Aerodrome manual (p109-114) – part E – 16

2. General comment

This comment is **critical**.

As it is said in the explanatory note (*II. Process and scope, note 2, pages 5-6*), the Agency did not undertake the development of safety rules for apron management services but later on will initiate a joint group with ATM. However, some procedural rules related to those services are included in the proposed rules.

DGAC considers it is essential to provide the flexibility needed to conduct further debates that will take place in the given joint group.

In particular, the connection between the aerodrome operator and providers of apron management service can not be established without further debates. Indeed, providers of apron management services, when existing, can be independent from the aerodrome operator, with arrangements between these two entities. For example in CDG airport, providers of apron management services are not subcontractors of the CDG operator. Moreover, there is a risk of inconsistency with what will be proposed by the joint group that will propose draft regulation on that point.

Therefore, the procedural rules included in the proposed implementing rules and corresponding AMC/GM shall remain at a high level stage only.

The provisions of the NPA that would consequently need to be revised are dealt with case by case in the proposed texts/comments below:

3. Justification and proposed texts / comments

- This comment is linked with comment 23 in Explanatory Note and 793 in book II.

ADR.AR.C.005 — Oversight: Paragraph (a)(2)

DGAC understands the certification basis is not applicable to providers of apron management services, but it's not clear in paragraph (a)(2) of ADR.AR.C.005.

Providers of apron management services declare their compliance to applicable requirements only, thus the proposed change:

"(a) [...]"

(2) *continued compliance, with the certification basis and/or applicable requirements [...]"*

- ADR.AR.C.050 — Declarations of providers of apron management services

Considering what is said in the general comment just above and the fact that providers of apron management services are not subcontractors of the aerodrome operator, it would be inappropriate, when the competent authority has to notify something to the apron management services, to systematically notify it also to the aerodrome operator. Moreover, this could induce more delays to solve the problem as it could be understood that the corrective action is to be done by other entities.

Finally, as this is not a requirement, the wording "*if required*" should be replaced by "*when deemed necessary*".

Thus DGAC proposes to modify paragraph (b) of ADR.AR.C.050 as follows:

"If the declaration does not contain the required information, or contains information that indicates non-compliance with applicable requirements, the competent authority shall notify the provider of apron management services about the non-compliance and request further information. ~~and If deemed necessary, the competent authority can address a copy of this notification to the aerodrome operator about the non-compliance and request further information. If required—deemed necessary, the competent authority shall carry out an inspection of the provider of apron management services and the aerodrome operator. If the non-compliance is confirmed, the competent authority shall take action as defined in ADR.AR.C.055 towards the apron management service"~~

- Part AR - APPENDIX I and APPENDIX II

The name of the provider of apron management service should not be part of the certificate of the aerodrome operator because they can be independent.

APPENDIX I

"[...]"

TERMS OF APPROVAL~~Provision of apron management services: Specify name of service provider~~

"[...]"

APPENDIX II

"[...]"

~~Apron management services are provided by [specify name of service provider].~~

"[...]"

- ADR.OR.B.060 — Declaration of providers of apron management services

Paragraph (a): DGAC doesn't understand the pertinence of having an agreement with an aerodrome operator.

~~"(a) The provider of apron management services, following an agreement with an aerodrome operator for the provision of such services at an aerodrome, shall:"~~

Paragraph (a)(5): DGAC finds this provision goes too far. Moreover, nobody will verify that the provider of apron management service complies with the aerodrome manual; in particular it's absolutely not the aerodrome operator's task.

~~"(5) provide its services in accordance with the aerodrome manual and comply with all relevant provisions contained therein"~~

Paragraph (b): DGAC doesn't understand the pertinence of notifying the aerodrome operator when ceasing activity.

~~"(b) Before ceasing the provision of such services, the provider of apron management services shall notify the competent authority and the aerodrome operator."~~

- Part-OR - APPENDIX II

In order to be clearer, DGAC proposes to clarify that these declarations of the providers of apron management services are declarations "of compliance" (see the proposed titles below).

Moreover, it is essential to delete "The service is provided in accordance with the content of the relevant aerodrome manual" as this is absolutely not high level and as it may induce a risk of inconstancy with the future rules on apron management services.

"Appendix II to Annex II**Declaration of compliance**

In accordance with Commission Regulation (EC) No XXX/2013 laying down requirements and procedures related to aerodromes pursuant to Regulation (EC) No 216/ 2008 of the European Parliament and of the Council

[...]

~~ð The service is provided in accordance with the content of the relevant aerodrome manual.~~

[...]

ð (If applicable) The operator has implemented and demonstrated conformance to an officially recognised industry standard.

Reference of the standard: Certification body:

Date of the last conformance audit:

[...]

- AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem

AMC1-ADR.AR.A.030(d) is to be deleted:

~~"**AMC1-ADR.AR.A.030(d) – Immediate reaction to a safety problem**
NOTIFICATION OF MEASURES~~

~~In case that the competent authority directs a measure to a provider apron management services, then these measures should also be notified to the aerodrome operator."~~

· AMC1-ADR.AR.C.005 – Oversight

High level provisions in this NPA state that apron management services shall provide a declaration to the competent authority when appropriate. But the oversight of the "continued competence" goes beyond this statement and therefore merits further debates. Moreover, the word "qualified" should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions.

Thus the following proposed changes to this AMC:

AMC1-ADR.AR.C.005 – Oversight

"GENERAL

(a) ~~The competent authority should assess the aerodrome operator and monitor its continued competence to conduct safe operations in compliance with the applicable requirements and the certification basis. Similarly, the competent authority should monitor the continued competence of providers of apron management services. The competent authority should ensure that accountability for assessing and monitoring aerodrome operators as well as providers apron management services is clearly defined. This accountability may be delegated or shared, in whole or in part.~~

(b) ~~It is essential that the competent authority shall have the full capability to adequately assess the continued competence of an aerodrome operator or a provider of apron management services by ensuring that the whole range of activities is assessed by appropriately qualified trained personnel."~~

· AMC2-ADR.OR.E.005 – Aerodrome manual

AMC2-ADR.OR.E.005 includes in the aerodrome manual the procedures for apron management. This is not high level provision and strongly needs further debates, because the relevancy of having apron management procedures in the aerodrome manual is not proven.

For instance, it is possible to imagine a system where the providers of apron management service have their own procedures and the aerodrome operator has nothing to do with them. Chapter 16 of part E of the structure of the aerodrome manual is to be deleted.

Note: DGAC also proposes to put the content of this AMC to GM because of the high level of details that doesn't fit to all organization. See comment xx.

~~"**AMC2GM1-ADR.OR.E.00510 – Structure of aerodrome manual**~~

~~[...]~~

~~16. Procedures for apron management including:~~

~~16.1 transfer of the aircraft between air traffic control and the apron management unit;~~

~~16.2 allocation of aircraft parking positions;~~

~~16.3 engine start and aircraft push-back;~~

~~16.4 marshalling and follow-me service.~~

~~[...]"~~

response

Partially accepted

"if deemed necessary":

Partially agreed.

However, we changed the wording "if required" with "if necessary", both meaning that the competent authority has an option that should be based on rational assessment.

Other proposed changes:

Not agreed.

According to the Basic regulation, the aerodrome operator is responsible for the operation of the aerodrome, while Annex Va of the Basic Regulation foresees in particular that "... the aerodrome operator shall ensure that movements of vehicles and persons in the movement area and other operational areas are coordinated with movements of aircraft in order to avoid collisions and damage to aircraft ..." Apron Management Services are part of the aerodrome operational services (see ICAO Doc. 9137, Airport Services Manual, Part 8 (airport operational services) necessary for managing the activities and the movement of aircraft and vehicles in an apron.

It is therefore the aerodrome operator that comes into an agreement with organisations for the provision of the necessary services, including the apron management services. Moreover, the relevant requirements and the operating procedures associated with the provision of such services have to be included in the aerodrome manual (see also ICAO Doc 9774 on the content of the aerodrome manual). The aerodrome manual may also refer to other documents.

Therefore, the Agency considers that the requirement in question should not be amended as suggested, in order to allow more flexibility to the competent authority to undertake inspections of the airport and the provider of apron management services and take which ever enforcement actions necessary, on the basis of the facts related to each individual case.

Please also read the terms of reference for the task RMT.0485.

<https://easa.europa.eu/rulemaking/docs/tor/RMT/ToR%20RMT.0485%20%20RMT.0465.pdf>

comment	<p>1056 comment by: NATS National Air Traffic Services Limited</p> <p>ADR.AR.C.050(a) - Please clarify, is it the intent that providers of apron management services have to comply with the whole of Part-ADR.OR when declaring? If so it appears quite onerous.</p>
response	<p><i>Noted</i></p> <p>No providers of apron management services who work under a declaration process have to follow the rules that apply to them, so they do not have to be certificated as they are declared. In OR it is always made explicit if a rule applies to declared providers of apron management services. If they are not mentioned e.g. ADR.OR.D.005 – Management, they are not implicated by a rule.</p>
comment	<p>1768 comment by: UK CAA</p> <p>Page No: 27</p> <p>Paragraph No: ADR.AR.C.050</p> <p>Comment: UK CAA considers that it should be made clear that this provision only applies when a Member State has decided to derogate from the requirement to hold a certificate, in accordance with Article 8a.1(e) of the basic EASA Regulation.</p> <p>In such cases a declared organisations should not be required to notify all alternative means of compliance used (see comments on ADR.AR.A.015 (c) and ADR.OR.B.060(a)(2)) but that provision should be made for the competent authority to request the declared organisation to submit a list of alternative AMCs where it assesses the need to do so in accordance with</p>

its risk-based oversight programme.

Justification: First, there must be clarity about the restricted applicability of this requirement.

Second, if used, the declaration process should simply ensure that the provider acknowledges its responsibilities, notifies the NAA of its existence and provides sufficient information to enable the NAA to exercise enforcement activities as it thinks proper. The UK CAA has maintained this position in commenting on the proposals for declarations from NCC operators.

Requiring all declared providers to notify NAAs when they use alternative means of compliance takes the process too far towards a certification regime. The UK CAA suggests that submission of alternative means of compliance and any assessment thereof should depend on a request from the competent authority where it assesses the need to do so in accordance with its risk-based oversight programme. This would allow proportionate and targeted oversight of declared organisations.

Proposed Text:

Amend heading to read **“Declarations of providers of apron management services in Member States deciding to derogate from requirement for certificate”**

Insert new (aa) ***The competent authority may, in accordance with the scope of oversight established under ADR.AR.C.010, request that the organisation submits a list of any alternative means of compliance used.***

(b) If the declaration does not contain the required information, or if either the declaration or a list of alternative means of compliance requested by the competent authority contains information that indicates non-compliance with applicable requirements,.....”

response *Not accepted*

EASA takes the same line also in response to comment 1853 and comment 1747:

The Agency does not share the view that providers of apron management services should not declare, as part of their declaration, to the competent authority the alternative means of compliance that they may use. If this is not done, then the authority will not be in a position to identify a possible need for audit/inspection but most importantly it will not be able to fulfil its obligations arising from the overall concept for the use of alternative means of compliance. In any case such declared organisations are not certified.

On proposed text:

Title change:

Not agreed.

The intended clarification about declared apron management services was already taken care of under the respective OR rule, ADR.OR.B.060 (a).

New (aa):

Not agreed. The list should be provided with the declaration, not only upon request.

Changes to (b):
Not necessary, text was retained unchanged as the declaration contains the list of AMCs that are intended to be used, this does not have to be made explicit.

comment 1996 comment by: *ENAC Ente Nazionale per l'Aviazione Civile*
C.050 (b)
"If required" shall be deleted and replace by ""When deemed necessary", the competent authority shall carry out an inspection

response *Accepted*
"if required" was replaced by "if necessary".

comment 2200 comment by: *AESA - Agencia Estatal de Seguridad Aérea*
(a) Upon receiving a declaration from a provider of apron management services intending to provide such services at an aerodrome, the competent authority shall verify that the declaration contains all the information required by Part-ADR.OR and shall acknowledge receipt of the declaration to that organisation.

Due to the fact that national legislation in this matter can exist, it would be suitable to add at the beginning of the sentence, the following: "Without prejudice to the provisions of the applicable national legislation,"

response *Not accepted*
Please read recital 12 of the draft Regulation:
"Requirements for apron management services should follow at a later stage, to be developed jointly with ATM and aerodrome experts, and thus certain articles of this Regulation should come into effect when such requirements for apron management services have been adopted." However, whenever there should be European rules about the AMS service please note that the national legislation will become void.
Please read the terms of reference for the task RMT.0485.
<https://easa.europa.eu/rulemaking/docs/tor/RMT/ToR%20RMT.0485%20%20RMT.0465.pdf>
The relevant rulemaking group has just been established, and Spanish AESA representative is on the group.

comment 2722 comment by: *AENA - Aeropuertos Españoles y Navegación Aérea*
It is a critical point.

In Spain Apron Management Services is other services provider of the Aerodrome as ANSP and there is national regulation for that.

For that reason it is proposed to establish to the Apron Management Services the same requirements and documents as ANSP.

For example its procedures are not at Aerodrome Manual.

It should not be part of aerodrome certificate, because it is not certified with the aerodrome.

There are several more part to change in the NPA whether EASA accept that proposal.

response *Not accepted*

Noted.
Please read recital (12) of the draft Regulation:
"Requirements for apron management services should follow at a later stage, to be developed jointly with ATM and aerodrome experts, and thus certain articles of this Regulation should come into effect when such requirements for apron management services have been adopted." However, whenever there should be European rules about the AMS service please note that the national legislation will become void.
Please read the terms of reference for the task RMT.0485.
<https://easa.europa.eu/rulemaking/docs/tor/RMT/ToR%20RMT.0485%20%20RMT.0465.pdf>
The relevant rulemaking group has just been established, and Spanish AESA representative is on the group.

comment *3005* comment by: *East Midlands Airport - EMA/EGNX*

(a) Comment: A clearer definition of what constitutes 'apron management services' is required.

response *Noted*

There is a definition in Regulation 1108/2009 which amends 216/2009.
'apron management service' shall mean a service provided to management the activities and the movement of aircraft and vehicles on the apron. The Basic Regulation is above this draft implementing Regulation and therefore its definitions apply to them. Furthermore, Please read recital (12) of the draft Regulation:
Requirements for apron management services should follow at a later stage, to be developed jointly with ATM and aerodrome experts, and thus certain articles of this Regulation should come into effect when such requirements for apron management services have been adopted. Please read the terms of reference for the task RMT.0485.
<https://easa.europa.eu/rulemaking/docs/tor/RMT/ToR%20RMT.0485%20%20RMT.0465.pdf>
The relevant rulemaking group has just been established.

comment *3073* comment by: *CANSO Civil Air Navigation Services Organization*

Comment on ADR.AR.C.050 (a)
Is it the intent that providers of apron management services have to comply with the whole of Part-ADR.OR when declaring? If so it appears quite onerous.

response *Noted*

No providers of apron management services who work under a declaration process have to follow the rules that apply to them, so they do not have to be certificated as they are declared. In OR it is always made explicit if a rule applies to declared providers of apron management services. If they are not mentioned e.g. ADR.OR.D.005 – Management, they are not implicated by a rule.

ANNEX I - Part AR - ADR.AR.C.055 – Findings, observations, corrective actions and enforcement measures

p. 28-29

comment *72* comment by: *CAA Norway*

response	<p>ADR.AR.C.055 (f) on page 29 should be deleted. This is covered in ADR.AR.B.020 (7) and (8).</p> <p><i>Not accepted</i></p> <p>ADR.AR.C.055 (f) is about the fact that the findings have to be recorded. ADR.AR.B.020 lists all records to which the requirements on adequate storage , accessibility and reliable traceability as well as storage life apply.</p>
comment	<p>73 comment by: CAA Norway</p> <p>We suggest to insert the ADR.001 agreed text: "...level 1 findings, and if the aerodrome operator has not taken immediate appropriate remedial action, the competent..." You expect the aerodrome operator to take immediate action, but if he doesn't, the Authority must do it.</p>
response	<p><i>Not accepted</i></p> <p>This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see no need to qualify this rule further as it is made clear that the actions by the competent authority can range from limitations to prohibition of activities in relation to the gravity of the finding and that this automatism is only coming should the corrective actions not be successfully implemented.</p>
comment	<p>111 comment by: Flughafen Düsseldorf GmbH</p> <p>(b) A level 1 finding shall be issued by the competent authority when any significant non-compliance is detected with the certification basis of the aerodrome, the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, with the aerodrome operator's or the provider's of apron management services procedures and manuals, with the terms of an approval or certificate or with the content of a declaration which lowers safety or seriously endangers safety.</p> <p>The level 1 finding shall include, but is not limited to:</p> <p>(1) failure to give the competent authority access to the aerodrome operators or providers of apron management services facilities as defined in ADR.OR.C.015 during normal operating hours and after two written requests;</p> <p>(2) obtaining or maintaining the validity of a certificate by falsification of submitted documentary evidence;</p> <p>(3) evidence of malpractice or fraudulent use of a certificate; and</p> <p>(4) <u>the lack of an accountable manager</u>^[g1] .</p> <hr/> <p>^[g1]Es muss ganz klar sein, was mit dem accountable manager gemeint sein soll. Sind hier nur die Geschäftsführer gemeint oder auch Beauftragte, wie z.B. ein Umweltbeauftragter, oder auch Bereichsleiter, leitende Angestellte etc. ?</p>
response	<p><i>Noted</i></p> <p>(same answer as to comment 622 on the OR side) The accountable manager is the person who is accountable to the competent</p>

authority. It should belong to the highest level of management and the name of this post differs from state to state, while it depends on the legal personality of the aerodrome operator.

The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.

Relevant guidance for the implementation of the requirements exist in the AMC and GM.

comment 112 comment by: *Flughafen Düsseldorf GmbH*

(1) In the case of level 1 findings, the competent authority shall take immediate and appropriate action to prohibit or limit activities, and if appropriate, it shall take action to revoke the certificate [g1] or to limit or suspend it in whole or in part, depending upon the extent of the finding, until successful corrective action has been taken by the aerodrome operator or the provider of apron management services.

[g1]Was ist die Folge in Deutschland, wenn daneben nationale bestandskräftige Planfeststellungsbeschlüsse und Betriebsgenehmigungen bestehen?

response *Noted*

The legal relationship between the new, EU rules based certificates and existing ones based on national law is not explicit subject of the safety rules at stake; however, these rules are being developed with a view to allow for continuity and seamless integration of such certificates into the new regulatory framework.

Leaving aside the question of dealing with the national law based permit, it has to be found that a valid certificate based on the new rules will be a *conditio sine qua non* to operate the aerodrome.

comment 180 comment by: *Manchester Airport plc*

Paragraph (e) The facility to make observations in additions to findings is welcomed.

response *Noted*

comment 292 comment by: *BAA Airside operations*

(b) (4)

A short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a long term” lack of accountable manager.

(c)

Amend to read “...apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein”

“Procedures and manuals” as written is too broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.

	<p>(d) (3) Amend wording to "the finding may be raised to a level 1 finding" Not all Level 2 findings will require raising to a Level 1 finding so "shall" should be changed to read "may".</p> <p>(e) BAA supports the issue of observations.</p>
<p>response</p>	<p><i>Not accepted</i></p> <p>On (b)(4): Not agreed. The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material. The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.</p> <p>On (c): Not agreed. This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.</p> <p>On (d): Not agreed. This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also act as a deterrent for the operator.</p> <p>On (e): Noted.</p>
<p>comment</p>	<p>345 comment by: <i>Danish Transport Authority</i></p> <p>(f) EDITORIAL: This part is already covered in ADR.AR.B.020 item (7) and (8). Item (f) should wherefore be removed.</p>
<p>response</p>	<p><i>Not accepted</i></p> <p>ADR.AR.C.055 (f) is about the fact that the findings have to be recorded. ADR.AR.B.020 lists all records to which the requirements on adequate storage , accessibility and reliable traceability as well as storage life apply.</p>
<p>comment</p>	<p>380 comment by: <i>Edinburgh Airport</i></p>

	<p>ADR.AR.C.055 (b) (4) - Add long term Justification - A short term lack of an accountable manager should be tolerated - a level 1 finding should only be made if this is long term.</p>
response	<p><i>Not accepted</i></p> <p>On (b)(4): Not agreed. The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material. The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.</p>
comment	<p>381 comment by: <i>Edinburgh Airport</i></p> <p>ADR.AR.C.055 (c) - Amend to read "apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein." Justification - Procedures and manuals as written is too broad and needs to be more specific to safety. There are many other procedures and manuals that are not relevant.</p>
response	<p><i>Not accepted</i></p> <p>On (c): This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.</p>
comment	<p>386 comment by: <i>Edinburgh Airport</i></p> <p>ADR.AR.C.055 (d) (3) - Amend wording to "the finding may be raised to a level 1 finding" Justification - Not all level 2 findings will require raising to level 1 finding so "shall" should be changed to read "may".</p>
response	<p><i>Not accepted</i></p> <p>On (d): This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also acts as a deterrent for the operator.</p>
comment	<p>387 comment by: <i>Edinburgh Airport</i></p>

response	ADR.AR.C.055 (e) Support - Edinburgh Airport supports the issue of observations. <i>Noted</i>
comment	494 comment by: <i>Icelandic Civil Aviation Administration</i> ADR.AR.C.055 (f) on page 29 should be deleted. This is covered in ADR.AR.B.020 (7) and (8).
response	<i>Not accepted</i> ADR.AR.C.055 (f) is about the fact that the findings have to be recorded. ADR.AR.B.020 lists all records to which the requirements on adequate storage , accessibility and reliable traceability as well as storage life apply.
comment	495 comment by: <i>Icelandic Civil Aviation Administration</i> ARD.AR.C.055.(d)(1) - We suggest to insert the ADR.001 agreed text: "...level 1 findings, and if the aerodrome operator has not taken immediate appropriate remedial action, the competent..." You expect the aerodrome operator to take immediate action, but if he doesn't, the Authority must do it.
response	<i>Not accepted</i> This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see no need to qualify this rule further as it is made clear that the actions by the competent authority can range from limitations to prohibition of activities in relation to the gravity of the finding and that this automatism is only coming should the corrective actions not be successfully implemented.
comment	540 comment by: <i>Estonian CAA</i> ADR.AR.C.055 (f) on page 29 should be deleted. This is covered in ADR.AR.B.020 (7) and (8).
response	<i>Not accepted</i> ADR.AR.C.055 (f) is about the fact that the findings have to be recorded. ADR.AR.B.020 lists all records to which the requirements on adequate storage , accessibility and reliable traceability as well as storage life apply.
comment	575 comment by: <i>Belfast International Airport - BFS/EGAA</i> We strongly agree with this section
response	<i>Noted</i>
comment	643 comment by: <i>Exeter International Airport</i> ADR.AR.C.055 (b) (4) : Add "long term", a short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a long term" lack of accountable manager.

response	<p><i>Not accepted</i></p> <p>On (b)(4): Not agreed.</p> <p>The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.</p> <p>The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.</p>
comment	<p>644 comment by: <i>Exeter International Airport</i></p> <p>ADR.AR.C.055 (c) : Amend to read "...apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein". "Procedures and manuals" as written is too broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.</p>
response	<p><i>Not accepted</i></p> <p>On (c): This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.</p>
comment	<p>645 comment by: <i>Exeter International Airport</i></p> <p>ADR.AR.C.055 (d) (3) : Amend wording to "the finding may be raised to a level 1 finding. Not all Level 2 findings will require raising to a Level 1 finding so "shall" should be changed to read "may".</p>
response	<p><i>Not accepted</i></p> <p>On (d): This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also acts as a deterrent for the operator.</p>
comment	<p>646 comment by: <i>Exeter International Airport</i></p> <p>ADR.AR.C.055 (e) : Exeter Airport supports the issue of observations. Add text that these may be positive as well as negative.</p>
response	<p><i>Noted</i></p>
comment	<p>739 comment by: <i>Finnish Transport Safety Agency</i></p>

	ADR.AR.C.055 (f) on page 29 should be deleted. This is covered in ADR.AR.B.020 (7) and (8).
response	<p><i>Not accepted</i></p> <p>ADR.AR.C.055 (f) is about the fact that the findings have to be recorded. ADR.AR.B.020 lists all records to which the requirements on adequate storage , accessibility and reliable traceability as well as storage life apply.</p>
comment	<p>961 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>"Findings und/oder Observations" können auf Basis nationaler Gesetze oder Verordnungen durchaus Ordnungswidrigkeiten oder gar Straftaten darstellen, für die entsprechende Verfahren einzuleiten sind und die ordnungsrechtlich oder gar strafrechtlich zu verfolgen sind. Das europäische System sieht dies scheinbar nicht so vor, es könnte sogar geschlossen werden, dass bei "Findings/Observations" immer die Möglichkeit eröffnet werden muss, einen Korrekturmaßnahmenplan zu erarbeiten, ohne dass weitere ordnungsrechtliche oder gar strafrechtliche Schritte möglich sind. In ADR.AR.C.055 sollte textlich erwähnt werden, dass "Findings und/oder Observations" in nationaler Zuständigkeit auch als Ordnungswidrigkeiten oder gar Straftaten verfolgt werden können.</p> <p><i>It is possible on the basis of national laws or regulations, that "Findings and/or Observation" are representing "irregularities" or "criminal offences", for which appropriate procedures have to be introduced. It seems that this fact is not intended in the European system. Therefore in ADR.AR.C.005 should it be mentioned, that "Findings and/or Observation" could be pursued as "irregularities" or "criminal offences" within national competences.</i></p>
response	<p><i>Not accepted</i></p> <p>The EASA draft regulation covers safety only. National criminal law still applies.</p>
comment	<p>977 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>Die Klassifizierung von "Findings" in "Level 1-Finding" und "Level 2-Finding" in ADR.AR.C.055 steht nur teilweise im Einklang mit anderen europäischen Verordnungen (z. B. identisch mit M.A.619). In Artikel 13 der VO (EG) Nr. 736/2006 wird hingegen eine deutlich feinere Klassifizierung [Kategorie (a) bis (f)] für "Findings" vorgegeben. Unter Ziffer 5.1 des Anhang II der Richtlinie 2008/49/EG (SAFA) werden für die Klassifizierung von "Findings" drei Kategorien vorgegeben. Es widerspricht dem Ansatz "Total System Approach", dass für die Klassifizierung von "Findings" unterschiedliche Systematiken eingeführt wurden. Grundsätzlich ist eine feingliedrigere Klassifizierung (z. B. wie in Artikel 13 der VO (EG) Nr. 736/2006) anzustreben, um den jeweiligen Einzelfall sachgerechter beurteilen und einstufen zu können. Die Vorgabe von lediglich zwei Finding-Klassen, wie in ADR.AR.C.055, ist nicht sachgerecht und somit zu korrigieren.</p> <p><i>The classification of "Findings" in "Level 1-Finding" and "Level 2-Finding" in ADR.AR.C.055 is only partly conform with other European regulations (e.g. identical to M.A.619). In article 13 of (EC) No. 736/2006 however a</i></p>

more clearly and finer classification [category (a) to (f)] is given. Under 5.1 of appendix II of the guideline 2008/49/EG (SAFA) there are three categories for "Findings" given. It is a contradiction to the "Total system Approach" that different systematics for finding-classifications are introduced in the European regulations. In principle a gracefull built classification (e.g. as in article 13 of (EC) No. 736/2006) must be the objective. With a gracefull built classification-system in order to the respective individual finding-case it is possible to classify a finding in a more proper way. The requirement of only two finding-classes in ADR.AR.C.055 is not proper and so this must be corrected.

response

Noted

It should be remembered that the reference to findings level 1 and level 2 in the aerodrome draft regulation discussed here copies (with the addition of the concept of observations) those adopted and now in force in the Authority Requirements for Aircrew and Air operations where they are intended to cover findings raised by the competent authority against organisations it oversees. The findings classified under article 13 of Regulation 736/2006, on the other hand, refer to findings raised by the Agency against the competent authority. Therefore the difference in classification address entirely different findings.

The same reasoning is valid for findings under the SAFA programme. The classification of findings for SAFA (category 1 ,2 and 3) better serves the intention of ramp inspections which are a 'snapshot' at a particular moment in time, whereas the classification of level 1 and 2 findings is considered more appropriate for system or process audits of organisations. Moreover the SAFA system, including the classification of findings, has been proven to work.

Finally the Agency considers that too many changes in the system at the same time may create an unnecessary heavy burden on both the competent authorities' and organisations' resources.

Therefore the categories of findings as are stipulated in ADR.AR.C.055 draft copy those in the analogous regulations for air operations and aircrew, apart from the aforementioned concept of observations, introduced under (e).

comment

999

comment by: *Avinor*

ADR.AR.C.055 (b) (4). Add "long term". A short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a long term" lack of accountable manager.

response

Not accepted

On (b)(4):
Not agreed.

The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.

The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary

absence of an accountable manager.

comment 1022 comment by: *Dublin Airport Authority*

DAA suggested revision: "... apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein ..."

Reference needs to be specific to safety as there are many other procedures and manuals that are not relevant.

(e) DAA supports the issuing of observations by the competent authority.

response *Not accepted*

On (c):
This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.

comment 1038 comment by: *Bristol Airport - BRS/EGGD*

ADR.AR.C.055 (b) (4)	Add "long term"	A short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a long term" lack of accountable manager.
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response *Not accepted*

On (b)(4):
Not agreed.
The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.
The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.

comment 1039 comment by: *Bristol Airport - BRS/EGGD*

ADR.AR.C.055 (c)	Amend to read "...apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein"	"Procedures and manuals" as written is too broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.
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response *Not accepted*

On (c):
This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.

comment 1040 comment by: Bristol Airport - BRS/EGGD

ADR.AR.C.055 (d) (3)	Amend wording to "the finding may be raised to a level 1 finding"	Not all Level 2 findings will require raising to a Level 1 finding so "shall" should be changed to read "may".
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response *Not accepted*

On (d):
This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also acts as a deterrent for the operator.

comment 1042 comment by: Bristol Airport - BRS/EGGD

ADR.AR.C.055 (e)	Support	Bristol Airport supports the issue of observations.
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response *Noted*

comment 1057 comment by: NATS National Air Traffic Services Limited

ADR.AR.C.055(b) - The text would be more readable if detailed in a bulleted list rather than a very long sentence.

Where is the legal certainty in "The level 1 finding shall include, **but is not limited to**"? Particularly since a Level 1 finding can result in immediate revocation of the certificate.

response *Not accepted*

On (b):
Noted.

The intent was to copy the equivalent rule ARA.GEN.330 findings and corrective action – organisations, to the maximum degree. The list of infractions that need to be covered in this sentence is just longer than it is in the above mentioned rule, so the sentence becomes a bit long.

On "but not limited to":

Not agreed. A list of all possible safety significant non-compliances is not possible. The four mentioned here have to be added to that hypothetical list that stem from the individual CB, the implementing rules of 216/2008, the certificates and approvals procedures and manual; in short all that is mentioned at the start of (b).

comment	<p>1059 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>ADR.AR.C.055(c) - The text would be more readable if detailed in a bulleted list rather than a very long sentence.</p>
response	<p><i>Noted</i></p> <p>There is no need for this addition.</p>
comment	<p>1061 comment by: <i>NATS National Air Traffic Services Limited</i></p> <p>ADR.AR.C.055(d) (1), (2) & (3) - There is no lead in text to the numbered bullets</p>
response	<p><i>Noted</i></p> <p>The intent was to copy the equivalent rule ARA.GEN.330 findings and corrective action – organisations, to the maximum degree. EASA does not know what is meant by “lead text” here.</p>
comment	<p>1236 comment by: <i>Gatwick Airport Ltd</i></p> <p>(b) (4) Add “long term”</p> <p>A short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a long term” lack of accountable manager.</p> <p>(c) Amend to read “...apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein”</p> <p>Justification “Procedures and manuals” as written is too broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.</p> <p>(d) (3) Amend wording to “the finding may be raised to a level 1 finding”</p> <p>Justification Not all Level 2 findings will require raising to a Level 1 finding so “shall” should be changed to read “may”.</p> <p>(e) London Gatwick supports the issue of observations.</p>
response	<p><i>Not accepted</i></p> <p>On (b)(4): Not agreed. The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material. The accountable manager is the ultimate accountable for the safe</p>

operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.

On (c):

Not agreed.

This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.

On (d):

Not agreed.

This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also act as a deterrent for the operator.

On (e):

Noted.

comment

1260

comment by: *Blackpool Airport - BLK/EGNH*

ADR.AR.C.055 (b) (4) : Add "long term", a short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a long term" lack of accountable manager.

response

Not accepted

On (b)(4):

Not agreed.

The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.

The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.

comment

1261

comment by: *Blackpool Airport - BLK/EGNH*

ADR.AR.C.055 (c) : Amend to read "...apron management servicestoo broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.

response

Not accepted

On (c):

This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.

comment 1262 comment by: *Blackpool Airport - BLK/EGNH*

ADR.AR.C.055 (d) (3) : Amend wording to "the finding may be raised to a level 1 finding. Not all Level 2 findings will require raising to a Level 1 finding so "shall" should be changed to read "may".

response *Not accepted*

On (d):
This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also acts as a deterrent for the operator.

comment 1263 comment by: *Blackpool Airport - BLK/EGNH*

ADR.AR.C.055 (e) : Blackpool Airport supports the issue of observations. Add text that these may be positive as well as negative

response *Noted*

There is no need for this addition.

comment 1302 comment by: *CAA Norway*

We support the possibility to issue observations given in ADR.AR.C.055 (e) on page 29.

response *Noted*

comment 1339 comment by: *Federal Office of Civil Aviation FOCA*

Para. b: "A level 1 finding shall be issued by the competent authority when any significant non-compliance is detected..." Clarification in AMC1-ADR.AR.C.055 what the meaning of "significant" is.

response *Not accepted*

The same rule gives in (b) a definition "A level 1 finding will be issued (...) when any significant non-compliance is detected with (...) which lowers safety or seriously endangers safety".

In (c) you find a definition of level 2: "A level 2 finding will be issued when any non-compliance is detected with (...) which could lower or possibly hazard safety".

It is within these definitions that competent authorities need to categorize findings and act accordingly.

comment 1494 comment by: *Aberdeen Airport Airside Operations*

(b) (4) Add "long term" - A short term lack of an accountable manager should be tolerated - a Level 1 finding should only be made if there is a long term lack of an accountable manager

(c) Amend to read "...apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein" - Procedures and manuals as written is too broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.

(d) (3) Amend wording to "the finding may be raised to a level 1 finding" - Not all Level 2 findings will require raising to a Level 1 finding so "shall" should be changed to read "may".

(e) Support - Baa Aberdeen supports the issue of observations

response

Not accepted

On (b)(4):

Not agreed.

The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.

The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.

On (c):

Not agreed.

This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.

On (d):

Not agreed.

This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also act as a deterrent for the operator.

On (e):

Noted.

comment

1509 comment by: *MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen*

Comment to b):

Define "significant non-compliance"

	<p>Alternatively: Please add explanations in the "GM", in which cases the threshold is crossed to a "level 1" / "level 2" -finding</p>
response	<p><i>Not accepted</i></p> <p>The same rule gives in (b) a definition "A level 1 finding will be issued (...) when any significant non-compliance is detected with (...) which lowers safety or seriously endangers safety". In (c) you find a definition of level 2: "A level 2 finding will be issued when any non-compliance is detected with (...) which could lower or possibly hazard safety". It is within these definitions that competent authorities need to categorize findings and act accordingly.</p>
comment	<p>1570 comment by: <i>London Luton Airport Operations Ltd</i></p> <p>Could a Level 1 finding lead to a suspension of the certificate? If so where is the communication requirement of the competent authority. At (b) 940 what does a lack of accountable manager mean, is this somebody who is not employed by the business so there is no accountable manager or does it mean "not present". It needs some clarity. If an accountable manager is ineffective, is this the same as "lack of accountable manager"?</p> <p>At (d) (1) a level 1 finding "shall take action to revoke a certificate" would mean there is no flexibility in the efforts to resolve or improve the safety situation and in reality this is always possible. The shall should be changed to may.</p> <p>At (d) (1), could an provider of apron management services cause for a certificate to be suspended or revoked ? if so an aerodrome operator may be forced into a Level 1 situation which it has not had an opportunity to manage and therefore the communication and opportunity to do so should be reflected.</p> <p>At (e), London Luton Airport Operations Ltd supports the matter of observations as part of the safety oversight findings which supports the promotion of safety improvement.</p>
response	<p><i>Not accepted</i></p> <p>On level 1 finding: Noted. Level 1 is a non-compliance exists when there is a significant non-compliance. The communication requirement on the Competent authority is found under (d) "the competent authority shall, ..., communicate the finding to the organisation. In writing and request...".</p> <p>On accountable manager and (b)(4): Noted. The accountable manager is the person who needs to be appointed and who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material. The accountable manager is the ultimate accountable for the safe</p>

operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor as a temporary absence of an accountable manager.

On (c):

Not agreed.

This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.

On (d):

Not agreed.

This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also act as a deterrent for the operator.

On (e):

Noted.

comment

1672

comment by: *Swedish Transport Agency*

ADR.AR.C.055 (f) on page 29 should be deleted. This is covered in ADR.AR.B.020 (7) and (8).

response

Not accepted

ADR.AR.C.055 (f) is about the fact that the findings have to be recorded. ADR.AR.B.020 lists all records to which the requirements on adequate storage , accessibility and reliable traceability as well as storage life apply.

comment

1769

comment by: *UK CAA*

Page No: 28 and 29

Paragraph No: ADR.AR.C.055 Findings, observations, corrective actions and enforcement measures - Title and paragraph (e)

Comment: The requirements in ADR.AR.C.055 follow closely the equivalent requirements in IRs already agreed for Aircrew and Operations, namely ARA.GEN.350 and ARO.GEN.350, except that the title refers to "observations" and paragraph (e) provides that "The competent authority may issue observations". The UK CAA considers the difference can be justified.

Justification: The UK CAA supports using consistent provisions in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified. Moreover, the existence of a provision in one area and not in another suggests a difference of intent.

However, the UK CAA suggests that audit and inspection techniques are evolving in line with a more risk and performance-based approach to regulatory oversight. It should now be possible to make observations in addition to findings and it supports the inclusion of this possibility in the rule. If so, the UK CAA considers that action should be taken to ensure that the same possibility is available for aircrew and operations oversight activities and consideration given to how best to achieve that possibility.

response *Noted*

comment

1770

comment by: UK CAA

Page No: 28

Paragraph No: ADR.AR.C.055 (c)

Comment: The text "with the aerodrome operators or the providers of apron management services procedures and manuals" is unclear because it fails to distinguish between providers of apron management services subject to declarations and those which are not.

Justification There is no requirement on the provider of apron management services subject to a declaration to have its own manual(s), only that it should provide services in line with the aerodrome manual (see ADR.OR.B.060. There is no clarity about such providers who are not subject to a declaration but it is assumed they will be subject to the aerodrome manual. The aerodrome manual and those referenced therein are the manuals that relate directly to aerodrome operations.

Proposed Text:

(c) A level 2 finding shall be issued by the competent authority when any non-compliance is detected with the certification basis of the aerodrome, the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, with;

(i) the aerodrome operator's **procedures and aerodrome manual,**

(ii) the providers of apron management services procedures and their notified manuals,

(iii) with the terms of a certificate, or

(iv) with the content of a declaration which could lower or possibly hazard safety.

response *Partially accepted*

It is true that of yet there is no requirement on the provider of apron management services to have a manual. However this is not excluded. Furthermore. The work of the rulemaking task on such services has just started and will deliver its results next year It will review the rules on the OR and AR side also. It is suggested to wait for its results, the proposed text is too determined and also EASA has no idea what the concept of a "notified manual" is to mean.

comment

1771

comment by: UK CAA

Page No: 29

Paragraph No: ADR.AR.C.055 (d) (2)(i)

Comment: The UK supports there being no provisions limiting or controlling the length of the corrective action implementation period, unlike those found in the equivalent requirements in IRs already agreed for Aircrew and Operations, (ARA.GEN.350 and ARO.GEN.350). In this case, the UK CAA considers the difference is justified.

Justification: Although the UK CAA supports consistency in the provisions used in Authority Requirements across all domains, in this case, the UK CAA considers that there is a difference in the nature of the oversight of aerodromes. In the aerodrome world, often findings occur with the infrastructure – these can take months or years to rectify, at great cost and often cannot be rectified within a 3-month timescale. What is important is that a corrective action plan is immediately commenced and that appropriate liaison takes place between the aerodrome operator and the competent authority to implement effective corrective action. This could usefully be examined as to its suitability for other domains.

Proposed Text: Keep IR text as written.

response *Noted*

comment

1772

comment by: UK CAA

Page No: 29

Paragraph No: ADR.AR.C.055 (e)

Comment: The UK supports the ability for the competent authority to make observations.

Justification: The CAA notes that this option is not included in the parallel AR rules already agreed for Aircrew and Operations: the UK CAA considers the difference can be justified. The UK CAA suggests that audit and inspection techniques are evolving in line with a more risk and performance-based approach to regulatory oversight. It should now be possible to make observations in addition to findings and it supports its inclusion in the rule. UK aerodromes welcome CAA observations and our aerodromes (ADR) and air traffic (ATM) teams consider that this option should be retained and will continue to use observations under the EASA regime. Also, the UK CAA considers that action should be taken to ensure that the same possibility is available for aircrew and operations oversight activities and consideration given to how best to achieve that possibility.

This could usefully be applied to the Aircrew and Operations domains.

Proposed Text: Keep text on observations.

response *Noted*

comment

1773

comment by: UK CAA

Page No: 28-29

Paragraph No: ADR.AR.C.055

Comment: The only specific provisions we could find related to the competent authority being able to suspend, limit or revoke the certificate are directly related to Level 1 findings or assessment of changes. There does not appear to be provision for the competent authority to suspend, limit or revoke the certificate for other reasons (e.g. safety). There should be a new clause in ADR.AR.C.055 to cover this.

Justification: It is important for powers to be provided to enable the certificate to be suspended, limited or revoked. As currently written, the implementing rules link enforcement powers to non-compliance with the requirements under the rule. This does not address the circumstances where adverse trends are identified, or circumstances arise without warning and where action is required, but which do not necessarily result in a non-compliance or finding.

Examples of such situations may include:

- a) An immediate safety hazard outside the scope of an audit;
- b) Significant incidents, together with a failure to investigate properly and deal with the root causes;
- c) An increasing number of incidents, indicating an underlying systemic failure;
- d) Poor management attitude to compliance;
- e) A management that prefers solutions that simply address the detail of the finding and that is unwilling or unable to put measures in place that address the root cause of non-compliances;
- f) Unstable/ineffective management. Instability can be caused by changes in structure, personnel, or both.
- g) Financial weakness resulting in a failure to address safety deficiencies or provide safety improvements.

Proposed Text: New ADR.AR.C.055 (g) "The competent authority may revoke, suspend or vary (as appropriate in the circumstances) any certificate, in whole or in part, if it is satisfied that the aerodrome operator has ceased to operate the aerodrome in accordance with the terms of approval of the certificate."

response

Not accepted

The examples cited can all be summarized under deficient management system and non-effective SMS and thus they can be a non-compliance with rule ADR.OR.D.005 (b).

comment

1813

comment by: *Stansted Airport*

ADR.AR.C.055 (b) (4)

Add "long term"

A short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a long term" lack of accountable manager.

response

Not accepted

On (b)(4):
Not agreed.
The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.
The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.

comment	<p>1825 comment by: <i>Stansted Airport</i></p> <p>ADR.AR.C.055 (c)</p> <p>Amend to read "...apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein"</p> <p>"Procedures and manuals" as written is too broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.</p>
response	<p><i>Not accepted</i></p> <p>On (c): This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.</p>
comment	<p>1838 comment by: <i>Stansted Airport</i></p> <p>ADR.AR.C.055 (d) (3)</p> <p>Amend wording to "the finding may be raised to a level 1 finding"</p> <p>Not all Level 2 findings will require raising to a Level 1 finding so "shall" should be changed to read "may".</p>
response	<p><i>Not accepted</i></p> <p>On (d): This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also acts as a deterrent for the operator.</p>
comment	<p>1850 comment by: <i>Stansted Airport</i></p> <p>ADR.AR.C.055 (e)</p>

response	<p>Support</p> <p>Stansted Airport supports the issue of observations.</p> <p><i>Noted</i></p>
comment	<p>1879 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(e) The facility for the competent authority to make observations in addition to findings is welcomed.</p>
response	<p><i>Noted</i></p>
comment	<p>2025 comment by: <i>Airport Operators Association</i></p> <p>ADR.AR.C.055 (b) (4) Circumstances could arise at some aerodromes where there is a short term lack of an accountable manager e.g. due to an unexpected change in personnel. This should be allowed in exceptional circumstances. It should never be allowable on and extended or on a long term basis. A Level 1 finding should only be made if there is a "long term" lack of accountable manager. Terms such as "short term" and "long term" can be defined by EASA.</p> <p>ADR.AR.C.055 (c) This should be amended to read "...apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein" Justification - As written "Procedures and manuals" is too broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.</p> <p>ADR.AR.C.055 (d) (3) Wording here should be amended to read "the finding may be raised to a level 1 finding" Justification - Not all Level 2 findings will require raising to a Level 1 finding so "shall" should be changed to read "may".</p> <p>ADR.AR.C.055 (e) AOA supports the issue of observations.</p>
response	<p><i>Not accepted</i></p> <p>On (b)(4): Not agreed. The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material. The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.</p> <p>On (c): Not agreed. This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision</p>

of such services. It is not needed to specify "safety related" here.

On (d):

Not agreed.

This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also act as a deterrent for the operator.

On (e):

Noted.

comment	<p>2073 comment by: <i>Ministry of Infrastructure and Agriculture of Brandenburg</i></p> <p>Para (b): What is meant by "significant non complianc"? A definition is missing.</p>
response	<p><i>Not accepted</i></p> <p>The same rule gives in (b) a definition "A level 1 finding will be issued (...) when any significant non-compliance is detected with (...) which lowers safety or seriously endangers safety".</p> <p>In (c) you find a definition of level 2: "A level 2 finding will be issued when any non-compliance is detected with (...) which could lower or possibly hazard safety".</p> <p>It is within these definitions that competent authorities need to categorize findings and act accordingly.</p>
comment	<p>2120 comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i></p> <p>Para (b): Define "significant non-compliance".</p>
response	<p><i>Not accepted</i></p> <p>The same rule gives in (b) a definition "A level 1 finding will be issued (...) when any significant non-compliance is detected with (...) which lowers safety or seriously endangers safety".</p> <p>In (c) you find a definition of level 2: "A level 2 finding will be issued when any non-compliance is detected with (...) which could lower or possibly hazard safety".</p> <p>It is within these definitions that competent authorities need to categorize findings and act accordingly.</p>
comment	<p>2388 comment by: <i>Dublin Airport Authority</i></p> <p>DAA supports the issuing of observations by the competent authority but suggests that the status of such comments should be made clear, for example whether action is required or expected as a result of the observations.</p>
response	<p><i>Noted</i></p>

The rulemaking group of expert wanted this facility of the "observation" installed in the text, as the competent authorities may need a flexible tool for bringing something that is below the level of a finding, as defined in the regulation, to the official attention in an audit report. As this is a diversion from the other domains, we do not want to curtail the use of this option by specifying it further, thereby allowing authorities flexible use of this.

comment	<p>2409 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(b) (4) Add "long term"</p> <p>A short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a "long term" lack of accountable manager.</p>
response	<p><i>Not accepted</i></p> <p>On (b)(4): Not agreed.</p> <p>The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.</p> <p>The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.</p>
comment	<p>2412 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(b) (4) Question</p> <p>Should this include the word "competent" before accountable manager?</p>
response	<p><i>Not accepted</i></p> <p>The word "competent" to be added before accountable is unnecessary. with a view to the rules on the OR side the accountable managers. The accountable manager is the person who needs to be appointed and who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.</p> <p>The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor as a temporary absence of an accountable manager</p>
comment	<p>2468 comment by: <i>East Midlands Airport - EMA/EGNX</i></p>

	(c) Amend to read "...apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein"
	Justification: "Procedures and manuals" as written is too broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.
response	<i>Not accepted</i>
	On (c): This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.
comment	2471 comment by: <i>East Midlands Airport - EMA/EGNX</i>
	(e) East Midlands Airport supports the issue of observations.
response	<i>Noted</i>
comment	2521 comment by: <i>Shannon Airport</i>
	Shannon Airport part of DAA suggested revision: "... apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein ..."
	Reference needs to be specific to safety as there are many other procedures and manuals that are not relevant.
response	<i>Not accepted</i>
	On (c): This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.
comment	2522 comment by: <i>Shannon Airport</i>
	Shannon Airport supports the issuing of observations by the competent authority
response	<i>Noted</i>
comment	2604 comment by: <i>Infratil Airports Europe Ltd</i>
	Page No: 28
	Paragraph No: ADR.AR.C.055 (b)(4)
	Comment: A short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a long term" lack of accountable manager.
response	<i>Not accepted</i>
	On (b)(4):

Not agreed.

The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.

The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.

comment	<p>2605 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 28</p> <p>Paragraph No: ADR.AR.C.055 (c)</p> <p>Comment: "Procedures and manuals" as written is too broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.</p> <p>Proposed Text: Amend to read "...apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein"</p>
response	<p><i>Not accepted</i></p> <p>On (c): This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.</p>
comment	<p>2606 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 29</p> <p>Paragraph No: ADR.AR.C.055 (d) (3)</p> <p>Comment: Not all Level 2 findings will require raising to a Level 1 finding so "shall" should be changed to read "may".</p> <p>Proposed Text: Amend wording to "the finding shall may be raised to a level 1 finding"</p>
response	<p><i>Not accepted</i></p> <p>On (d): This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also acts as a deterrent for the operator.</p>

comment	2607 comment by: <i>Infratil Airports Europe Ltd</i>
	<p>Page No: 29</p> <p>Paragraph No: ADR.AR.C.055 (d) (3)</p> <p>Comment: Not all Level 2 findings will require raising to a Level 1 finding so "shall" should be changed to read "may".</p> <p>Proposed Text: Amend wording to "the finding shall may be raised to a level 1 finding"</p>
response	<p><i>Not accepted</i></p> <p>On (d): This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also acts as a deterrent for the operator.</p>
comment	2608 comment by: <i>Infratil Airports Europe Ltd</i>
	<p>Page No: 29</p> <p>Paragraph No: ADR.AR.C.055 (e)</p> <p>Comment: IAEL supports the issue of observations.</p> <p>Proposed Text: No change to text</p>
response	<i>Noted</i>
comment	2661 comment by: <i>HIA - Highlands and Islands Airports Limited</i>
	C.055(b) (4) - Lack of Accountable Manager - Add <i>Long Term</i> before wording
response	<p><i>Not accepted</i></p> <p>On (b)(4): Not agreed. The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material. The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.</p>
comment	2692 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>

ADR.AR.C.055 (b) (4)	Add "long term"	A short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a long term" lack of accountable manager.
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response

Not accepted

On (b)(4):

Not agreed.

The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.

The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.

comment

2693

comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.AR.C.055 (c)	Amend to read "...apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein"	"Procedures and manuals" as written is too broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.
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response

Not accepted

On (c):

This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.

comment

2694

comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.AR.C.055 (d) (3)	Amend wording to "the finding may be raised to a level 1 finding"	Not all Level 2 findings will require raising to a Level 1 finding so "shall" should be changed to read "may".
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response

Not accepted

On (d):

This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also acts as a deterrent for the operator.

comment	2695 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>
	ADR.AR.C.055 (e) Support LJLA supports the issue of observations.
response	<i>Noted</i>
comment	2855 comment by: <i>Norwich International Airport</i>
	ADR.AR.C.055 (b) (4)
	A short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a long term” lack of accountable manager.
response	<i>Not accepted</i>
	<p>On (b)(4): Not agreed.</p> <p>The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.</p> <p>The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a “temporary” accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope (“temporary”) post-holder definition nor in a temporary absence of an accountable manager.</p>
comment	2857 comment by: <i>Norwich International Airport</i>
	ADR.AR.C.055 (c)
	<p>Amend to read “...apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein”</p> <p>“Procedures and manuals” as written is too broad and needs to be specific to safety. There are many other procedures and manuals that are not relevant.</p>
response	<i>Not accepted</i>
	<p>On (c): This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify “safety related” here.</p>
comment	2859 comment by: <i>Norwich International Airport</i>
	ADR.AR.C.055 (d) (3)
	<p>Amend wording to “the finding may be raised to a level 1 finding”</p> <p>Not all Level 2 findings will require raising to a Level 1 finding so “shall”</p>

	should be changed to read "may".
response	<p><i>Not accepted</i></p> <p>On (d): This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also acts as a deterrent for the operator.</p>
comment	<p>2860 comment by: <i>Norwich International Airport</i></p> <p>ADR.AR.C.055 (e)</p> <p>NWI supports the issue of observations.</p>
response	<i>Noted</i>
comment	<p>2866 comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i></p> <p>ADR.AR.C.055 (b) (4). Add "long term". A short term lack of an accountable manager should be tolerated – a Level 1 finding should only be made if there is a "long term" lack of accountable manager.</p>
response	<p><i>Not accepted</i></p> <p>On (b)(4): Not agreed.</p> <p>The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.</p> <p>The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.</p>
comment	<p>3010 comment by: <i>DAA Cork Airport</i></p> <p>DAA suggested revision: "... apron management services, aerodrome operations procedures and the aerodrome manual and other manuals referenced therein ..."</p> <p>Reference needs to be specific to safety as there are many other procedures and manuals that are not relevant.</p>
response	<p><i>Not accepted</i></p> <p>On (c): This draft regulation is about the safety of aerodromes and the future</p>

rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.

comment	3013	comment by: <i>DAA Cork Airport</i>
	DAA supports the issuing of observations by the competent authority.	
response	<i>Noted</i>	

comment	3075	comment by: <i>CANSO Civil Air Navigation Services Organization</i>
	<p>Comment on ADR.AR.C.055 (b) The text would be more readable if detailed in a bulleted list rather than a very long sentence. Where is the legal certainty in "The level 1 finding shall include, but is not limited to"? Particularly since a Level 1 finding can result in immediate revocation of the certificate.</p>	
response	<p><i>Not accepted</i></p> <p>On (b): Noted. The intent was to copy the equivalent rule ARA.GEN.330 findings and corrective action – organisations, to the maximum degree. The list of infractions that need to be covered in this sentence is just longer than it is in the above mentioned rule, so the sentence becomes a bit long.</p> <p>On "but not limited to": Not agreed. A list of all possible safety significant non-compliances is not possible. The four mentioned here have to be added to that hypothetical list that stem from the individual CB, the implementing rules of 216/2008, the certificates and approvals procedures and manual; in short all that is mentioned at the start of (b).</p>	

comment	3079	comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i>
	Para b): Define " significant non-compliance ".	
response	<p><i>Not accepted</i></p> <p>The same rule gives in (b) a definition "A level 1 finding will be issued (...) when any significant non-compliance is detected with (...) which lowers safety or seriously endangers safety". In (c) you find a definition of level 2: "A level 2 finding will be issued when any non-compliance is detected with (...) which could lower or possibly hazard safety". It is within these definitions that competent authorities need to categorize findings and act accordingly.</p>	

comment	3143	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	(b) what is a significant non-compliance??	
response	<i>Not accepted</i>	

The same rule gives in (b) a definition "A level 1 finding will be issued (...) when any significant non-compliance is detected with (...) which lowers safety or seriously endangers safety".

In (c) you find a definition of level 2: "A level 2 finding will be issued when any non-compliance is detected with (...) which could lower or possibly hazard safety".

It is within these definitions that competent authorities need to categorize findings and act accordingly.

comment

3243

comment by: *London Biggin Hill Airport*

ADR.AR.C.055

(b)(4) This could read "the lack of a long term accountable manger" this would be the level 1 finding whereas a short term lack of accountable manger could be tolerated.

(c) The wording is very broad and could be more specific to saftey, it could read "apron management services, aerodrome operations manual and aerodrome manual.

(e) We support the issue of observations.

response

Not accepted

On (b)(4):

Not agreed.

The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material.

The accountable manager is the ultimate accountable for the safe operation of the aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of a "temporary" accountable manager suggests a diminished assuming of responsibility. This cannot be accepted. Neither in a lesser scope ("temporary") post-holder definition nor in a temporary absence of an accountable manager.

On (c):

Not agreed.

This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.

On (d):

Not agreed.

This rule is the same as it has just been adopted and come into force as ARA.GEN.350 (d) for the oversight of aircrew Part-ARA in Regulation 290/2012. We see reason why the text should not clearly state that failing to submit a corrective action plan or to follow that plan through will lead to a raising of the finding to level 1. This also act as a deterrent for the operator.

On (e):

Noted.

comment

3282

comment by: *Danish Transport Authority*

	(b) (4) It should be added "or a temporarily appointed accountable manager".
response	<p><i>Not accepted</i></p> <p>The accountable manager is the person who is accountable to the competent authority. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material. The accountable manager is the ultimate accountable person for the safety operation of an aerodrome, which unlike other competences, is something that cannot be delegated to other managers or personnel. The Agency believes that the idea of "temporary" accountable manager suggests a diminished assuming of of responsibility. This cannot be accepted. Neither in lesser scope ("temporary" post holders, nor in a temporary absence of an accountable manager.</p>
comment	<p>3307 comment by: <i>Southampton Airport</i></p> <p>"Procedures and manuals" is too broad - propose amendment to be specific to apron management, aerodrome procedures and the aerodrome manual and other manuals referenced therein</p>
response	<p><i>Not accepted</i></p> <p>On (c): This draft regulation is about the safety of aerodromes and the future rules on apron management services will be also about the safe provision of such services. It is not needed to specify "safety related" here.</p>
comment	<p>3308 comment by: <i>Southampton Airport</i></p> <p>Southampton Airport supports the policy of issuing observations</p>
response	<i>Noted</i>

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comment	<p>163 comment by: <i>CAA-NL</i></p> <p>We suggest to make separate requirements for wildlife management on an aerodrome and the surroundings of an aerodrome.</p> <p>Please change in the requirement for the surrounding of an aerodrome the word 'eliminate' into 'minimise, such that a wildlife hazard assessment indicates that these sources are unlikely to create conditions conducive to a wildlife hazard problem'. It is possible to prevent the establishment of new sources or activities which may attract wildlife in the surroundings of the aerodrome, but to eliminate existing sources is legally not possible or only achievable with great expenses for the government.</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with wildlife management on an aerodrome are already addressed to aerodrome operator in part OPS. Paragraph (b)(1) will be deleted.</p>

comment	239	comment by: <i>KLM</i>
	<p>Add:</p> <p>(c) The competent authority shall establish protective zones around aerodromes to protect the safety of aircraft against the hazardous effects of wild life.</p> <p>Clarification: Land use planning by local councils and /or by businesses in a defined area around the airport and its runways must consult with the aerodrome operator to avoid activities that attracts wildlife (birds) that have an hazardous effect on the safety of flights.</p>	
response	<p><i>Noted</i></p> <p>Requirements for dealing with wildlife management in the aerodrome surroundings will be revised and addressed to Member State. Suggested action may be taken then up to decision of the Member State.</p>	
comment	269	comment by: <i>Zürich Airport</i>
	<p>change (b)(1) from;</p> <p>take action to eliminate or to prevent the establishment of any source or activity which may attract wildlife on an aerodrome or its vicinity, unless a wildlife hazard assessment indicates that these sources are unlikely to create conditions conducive to a wildlife hazard problem; and</p> <p>to;</p> <p>take action to eliminate or to prevent the establishment of sources or activities which may attract wildlife on an aerodrome or its vicinity as far as possible, unless a wildlife hazard assessment indicates that these sources are unlikely to a wildlife hazard problem; and</p>	
response	<p><i>Noted</i></p> <p>Paragraph (b)(1) will be deleted.</p>	
comment	276	comment by: <i>CAA Austria - Ministry of Transport</i>
	<p>(b)(1) The vicinity of the aerodrome must be determined. A definition for the vicinity should be added to Article 2.</p> <p>The use of the term vicinity is frequent in the regulation. This term needs a definition in order to ensure a consistant approach.</p> <p>It is not always possible to take action to eliminate or to prevent the establishment of any source of activity which may attract wildlife in the vicinity of an aerodrome.</p> <p>In Austria it´s only possible for the competent authority to discuss this problem with the responsible local government.</p> <p>The " vicinity" of the aerodrome must be determined.</p> <p>Change article to: [...] or its vicinity whenever possible, unless a wildlife</p>	

	[...]
response	<p><i>Noted</i></p> <p>Term "vicinity" will be replaced by the term "surroundings" to be in line with the Basic Regulation terminology. As different size may be considered as "surroundings" for different activities which should be monitored and mitigated (lasers, land use planning, hazardous lights etc.) and is also subject to local conditions, definition will not be added to Article 2. Paragraph (b)(1) will be deleted.</p>
comment	<p>293 comment by: <i>BAA Airside operations</i></p> <p>(b) (1) Amend to read "take action in coordination with the aerodrome operator".</p> <p>This needs to be coordinated so the competent authority does not act without coordinating with the aerodrome operator. If uncoordinated it could generate a bad situation / safety hazard!</p> <p>(b) (2) Proposed better wording - Amend to read "Consult the aerodrome operator about the planning..."</p>
response	<p><i>Noted</i></p> <p>Paragraph (b)(1) will be deleted. Requirements for dealing with wildlife management in the aerodrome surroundings will be revised and addressed to Member State.</p>
comment	<p>388 comment by: <i>Edinburgh Airport</i></p> <p>ADR.AR.C.060 (b) (1) - Amend to read "take action in coordination with the aerodrome operator" Justification - This needs to be coordinated so the competent authority does not act without coordinating with the aerodrome operator. If uncoordinated it could generate a bad situation.</p>
response	<p><i>Noted</i></p> <p>Paragraph (b)(1) will be deleted.</p>
comment	<p>389 comment by: <i>Edinburgh Airport</i></p> <p>ADR.AR.C.060 (b) (2) - Amend to read "consult the aerodrome operator about the planning" Justification - Better wording</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with wildlife management in the aerodrome surroundings will be revised and addressed to Member State. Paragraph (b)(1) will be deleted.</p>

comment	576	comment by: <i>Belfast International Airport - BFS/EGAA</i>
	Strongly agree with (b) (1)	
response	<i>Noted</i>	
comment	647	comment by: <i>Exeter International Airport</i>
	ADR.AR.C.060 (b) (1) : Amend to read "take action in coordination with the aerodrome operator". This needs to be coordinated so the competent authority does not act without coordinating with the aerodrome operator. If uncoordinated it could generate a bad situation.	
response	<i>Noted</i> Paragraph (b)(1) will be deleted.	
comment	838	comment by: <i>DGAC Direction Générale de l'aviation civile</i>
	<p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.C.060 — Wildlife Management – paragraph (b)(1) (p29) <p><u>2. Justification and proposed text / comment</u></p> <p>This comment is critical and linked with the one on the "competent authority"</p> <p>See comments : n° 1008 in book I, n° 789 in book II and n° 591 in book III.</p> <p>Paragraph (b)(1) of this IR describes responsibilities that are not currently assigned to the French competent authority (i.e. oversight authority) : they are assigned to the "préfet" who is not a competent authority as he is the representative from State in local regions and thus can not have a Management system in its services. This IR would require law enforcement powers which cannot be given to this competent authority.</p> <p>Furthermore, the requirements defined in this regulation cannot be applied to the State authorities which currently have these powers (i.e. police, préfet), as they are not competent authorities.</p> <p>It is proposed to modify this paragraph, as follows:</p> <p>"(b) (1) take action or coordinate with the authority, without prejudice to the system and legal provisions of the State, to eliminate or to prevent the establishment of any source or activity which may attract wildlife on an aerodrome or its vicinity, unless a wildlife hazard assessment indicates that these sources are unlikely to create conditions conducive to a wildlife hazard problem."</p>	
response	<i>Noted</i> Requirements for dealing with wildlife management in the aerodrome surroundings will be revised and addressed to Member State. Paragraph (b)(1) will be deleted.	
comment	955	comment by: <i>Munich Airport International</i>
	<u>(b)</u>	

add (3): "allow an aerodrome operator to carry out a habitat and land management on an aerodrome in order to reduce the attractiveness of the area to birds/wildlife"

Justification: Passus necessary to fulfill the requirements to the airport operator given by GM2-ADR-OPS.B.020 (d)

(b)

add (4): "allow an aerodrome operator to expel or remove hazardous birds/wildlife, including by lethal means where appropriate".

Justification: Passus necessary to fulfill the requirements to the airport operator given by GM2-ADR-OPS.B.020 (e)

response *Not accepted*

This article is addressing the obligations of the **competent authority** in the surroundings of the aerodrome.
 Requirements for dealing with wildlife management in the aerodrome surroundings will be addressed to the Member state who will decide on mitigating measures to be taken.
 Actions to be taken on an aerodrome are subject to part OPS of these rules.

comment *1023* comment by: *Dublin Airport Authority*

If point (b)-(1) is included in the finalised NPA, it should be amended to ensure that the competent authority only takes action in coordination with the aerodrome operator.

Point (b)-(2) should also be amended to read: "... shall consult the aerodrome operator about the planning ..."

response *Partially accepted*

Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.
 Paragraph (b)(1) will be deleted.

comment *1045* comment by: *Bristol Airport - BRS/EGGD*

ADR.AR.C.060 (b) (1)	Amend to read "take action in coordination with the aerodrome operator"	This needs to be coordinated so the competent authority does not act without coordinating with the aerodrome operator. If uncoordinated it could generate a bad situation.
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response *Noted*

Paragraph (b)(1) will be deleted.

comment	1047	comment by: Bristol Airport - BRS/EGGD
	ADR.AR.C.060 (b) (2)	Amend to read "Consult the aerodrome operator about the planning..." Better wording
response	<p><i>Noted</i></p> <p>Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.</p>	
comment	1062	comment by: NATS National Air Traffic Services Limited
	ADR.AR.C.060(b)(1) - This Article appears to potentially introduce conflicts with EU rules on wildlife protection.	
response	<p><i>Noted</i></p> <p>Paragraph (b)(1) will be deleted.</p>	
comment	1099	comment by: Bezirksregierung Düsseldorf / Luftverkehr
	<p>In Deutschland gibt es ein gut funktionierendes System hinsichtlich der Meldung und Auswertung von Vogelschlägen, die sich auf die Arbeit des eingetragenen Vereines "Deutscher Ausschuss zur Verhütung von Vogelschlägen im Luftverkehr e.V. (DAVVL)" [http://www.davvl.de/start/aktuelles] stützt. Die Formulierung in ADR.AR.C.060(a) wird derzeit so verstanden, dass dieses System nach Inkrafttreten der ADR-Regeln nicht mehr möglich ist. Es wird weiterhin angezweifelt, ob ein Sicherheitsgewinn dadurch erreicht wird, wenn die jeweils zuständigen Luftfahrtbehörden bezüglich der Vogelschlag und Wildunfälle ein eigenes Informations- und Auswertesystem implementieren müssen. Für wichtig wird erachtet, dass die Flugplatzunternehmer, die einzelnen Mitgliedsstaaten und die EASA diesbezüglich ein Informations- und Auswertesystem betreiben. ADR.AR.C.060 sollte in diesem Sinne neu formuliert werden.</p> <p><i>In Germany there is a good working system implemented regarding the reporting and the recording of birdstrikes. This system is based on the job of the registered Association "Deutscher Ausschuss zur Verhütung von Vogelschlägen im Luftverkehr e.V. (DAVVL)" [http://www.davvl.de/start/aktuelles]. The phrasing in ADR.AR.C.060(a) is to be understood in such a way, that this system is no longer possible after the ADR-rules coming into force. Further it is contested that there is no safety profit, if all competent authorities have to implement a "Wildlife-Reporting and Recording-System". It is important, that there is a "Wildlife-Reporting and Recording-System" by the aerodrome operators and central systems by the member states and an superior system by EASA. ADR.AR.C.060 should be formulated in this sense.</i></p>	
response	<p><i>Partially accepted</i></p> <p>Requirements for dealing with wildlife management will be revised, paragraph (a) will be addressed to Member State.</p>	

comment	1239	comment by: <i>Gatwick Airport Ltd</i>
	Move and change. Falls under sub part C	
	Justification	
	London Gatwick believes that the safeguarding of its aerodrome from wildlife hazard or obstacle infringement is critical to both aerodrome safety and future aerodrome development. Therefore this safeguarding should remain the responsibility of the aerodrome operator and via close coordination with the competent authority would be the appropriate model going forward	
response	<i>Partially accepted</i>	
	Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate coordination.	
comment	1264	comment by: <i>Blackpool Airport - BLK/EGNH</i>
	ADR.AR.C.060 (b) (1) : Amend to read "take action in coordination with the aerodrome operator". This needs to be coordinated so the competent authority does not act without coordinating with the aerodrome operator. If uncoordinated it could generate a bad situation.	
response	<i>Noted</i>	
	Paragraph (b)(1) will be deleted.	
comment	1340	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	Change wording to para. b: [...] or its vicinity whenever possible, unless a wildlife [...]. Justification: It is not always possible to take action to eliminate or to prevent the establishment of any source of activity which may attract wildlife in the vicinity of an aerodrome.	
response	<i>Noted</i>	
	Paragraph (b)(1) will be deleted.	
comment	1417	comment by: <i>Belgian CAA</i>
	It can be unclear in this article that the competent authority is not the civil aviation authority. It would be better to mention this explicitly.	
response	<i>Noted</i>	
	Provisions will be addressed to Member State in final rules who will be responsible for allocation tasks within the Member State.	
comment	1497	comment by: <i>Aberdeen Airport Airside Operations</i>
	(b) (1) Amend to read "take action in coordination with the aerodrome operator" - This needs to be co-ordinated so the competent authority does not act without co-ordinating with the aerodrome operator. If uncoordinated it could generate a bad situation.	

	(b) (2) Amend to read "consult the aerodrome operator about the planning...." - Better wording
response	<p><i>Partially accepted</i></p> <p>Paragraph (b)(1) will be deleted. Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.</p>
comment	<p>1510 comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i></p> <p>Replace "vicinity" with "surrounding", unless something else is meant. In this case, a definition is needed</p>
response	<p><i>Accepted</i></p>
comment	<p>1619 comment by: <i>MST / STR - Stuttgart Airport</i></p> <ul style="list-style-type: none"> • Elimination of the establishment <u>of any source or activity</u> which may attract wildlife in the surrounding of an aerodrome?? • This is especially under certain geographic conditions quixotic and aiming at something impossible. Delete this alternative (1). • Moreover the term vicinity should be either defined or deleted. What is "vicinity" of an aerodrome? Even if "vicinity" would be replaced by the term "surrounding" a definition is needed. • Otherwise this will not only cause problems for the authority but also the obligations of an aerodrome operator would be expanded inadequately.
response	<p><i>Noted</i></p> <p>Paragraph (b)(1) will be deleted. Term "vicinity" will be replaced by the term "surroundings" to be in line with the Basic Regulation terminology.</p>
comment	<p>1774 comment by: <i>UK CAA</i></p> <p>Page No: 29</p> <p>Paragraph No: ADR.AR.C.060(b),</p> <p>Comment: . These provisions impose duties on the competent authority which the UK CAA does not consider correctly reflect the provisions of Regulation (EC) No 216/2008 ("Basic EASA Regulation") . Under safety management principles the onus for the elimination (or preventing the establishment) of a wildlife hazard lies with the aerodrome NOT the competent authority.</p>

Justification: Under safety management principles the onus for the elimination (or preventing the establishment) of a wildlife hazard on the aerodrome and for monitoring activities outside the aerodrome lies with the aerodrome not the competent authority.

As part of its oversight of the aerodrome operator, the competent authority will consider whether the aerodrome operator has considered all these matters in its assessment of risks etc as part of its safety management system. Arrangements for the prevention of sources and consultation on land use are already contained in the provisions of Regulation (EC) No 216/2008 ("Basic EASA Regulation").

Proposed Text: Revised title: "Wildlife Management Reporting"

Delete ADR.AR.C.060 (b).

response *Partially accepted*

Requirements for dealing with wildlife management will be revised and addressed to the Member state.

Paragraph (b)(1) will be removed.

comment *1810* comment by: *Geneva International Airport (ROMIG)*

ADR.AR.C.060 (b) (1) - The "vicinity" of the aerodrome must be determined. A definition for the "vicinity" should be added to Article 2. This comment is applicable to all uses of the term "vicinity" in the rules.

If this term is not defined, the national authorities will not have a way to apply a standardised approach.

response *Partially accepted*

Term "vicinity" will be replaced by the term "surroundings" to be in line with the Basic Regulation.

comment *1847* comment by: *Stansted Airport*

ADR.AR.C.060 (b) (1)

Amend to read "take action in coordination with the aerodrome operator"

This needs to be coordinated so the competent authority does not act without coordinating with the aerodrome operator. If uncoordinated it could generate a bad situation.

response *Noted*

Paragraph (b)(1) will be deleted.

comment *1852* comment by: *Stansted Airport*

ADR.AR.C.060 (b) (2)

Amend to read "Consult the aerodrome operator about the planning"

	Better wording
response	<i>Noted</i> Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.
comment	<i>1934</i> comment by: <i>Birmingham Airport - BHX/EGBB</i> ADR.AC.c.060 This function surely better sits with the aerodrome operator - in the UK the safeguarding function was transferred from the authority to the airports some 10 years ago with justification that the airport operator is better placed to assess their local environment than a regulator based (in most cases) hundreds of kilometres away. Any move to put responsibility onto the competent authority is likely to result in increased charges to the aerodrome operator. Many examples exist within the UK aerodrome environment to support the view that the Airports are better placed to carry wildlife hazard safeguarding in the vicinity of the aerodrome than a distant Regulator.
response	<i>Partially accepted</i> Requirements for dealing with wildlife management will be revised and addressed to the Member state who will have to ensure appropriate coordination. Article ADR.AR.C.060 will be removed.
comment	<i>1954</i> comment by: <i>London Luton Airport Operations Ltd</i> At (b) (1) taking action to eliminate or prevent the establishment of any source or activity is not achievable. Aerodromes are often based in the countryside adjacent to farms and woodlands. the activities at farms for seeding, ploughing and crop management are natural attractants and cannot be prevented or eliminated. Also other habitat arounds aerodromes is a natural home to much wildlife and cannot be prevented or eliminated. This should be changed to where ever reasonably practicable or rephrased to reflect that aerodromes will make endeavours through the application of a wildlife and habitat management plan.
response	<i>Noted</i> Paragraph (b)(1) will be deleted.
comment	<i>2026</i> comment by: <i>Airport Operators Association</i> ADR.AR.C.060 (b) (1) This should be amended to read "take action in coordination with the aerodrome operator" Justification - This needs to be coordinated so the competent authority does not act without coordinating with the aerodrome operator. If uncoordinated it could generate an adverse situation. ADR.AR.C.060 (b) (2) This should be amended to read "Consult the aerodrome operator about the planning..." Justification - Improved wording is required.
response	<i>Noted</i>

Paragraph (b)(1) will be deleted.
Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.

comment

2121

comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

Para (b) subpara (1):

The call for elimination of the establishment of any source or activity which may attract wildlife in the surrounding of an aerodrome is under certain geographic conditions quixotic and aiming at something impossible. Delete this alternative!

Replace "**vicinity**" with "**surrounding**", unless something else is meant. In this case, a definition is needed.

response

Partially accepted

Paragraph (b)(1) deleted.

The term "vicinity" will be replaced by the term "surroundings" to be in line with the Basic Regulation terminology.

comment

2277

comment by: *Luftfahrtbehörde Schleswig-Holstein*

It is impossible for the competent authority to eliminate or prevent the attraction of wildlife in the vicinity of an aerodrome. Therefore paragraph (b)(1) should be deleted.

response

Noted

Paragraph (b)(1) will be deleted.

comment

2473

comment by: *East Midlands Airport - EMA/EGNX*

(b)(1) Amend to read "take coordinated action with the aerodrome operator"

Justification: The competent authority needs to coordinate with the aerodrome operator to prevent potentially hazardous situations occurring.

response

Noted

Paragraph (b)(1) will be deleted.

comment

2475

comment by: *East Midlands Airport - EMA/EGNX*

(b) (2) This sentence can be removed if the words "take coordinated action with the aerodrome operator" are inserted at the start of (b) (1)

response

Noted

Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.

comment	2523 comment by: <i>Shannon Airport</i>
	Conflict exists with EU Habitats & Birds Directives. These directives designate environmental areas first, and ask the Airports to seek exemptions after.
response	<i>Noted</i>
	Paragraph (b)(1) will be deleted.
comment	2524 comment by: <i>Shannon Airport</i>
	Point (b)-(2) should also be amended to read: "... shall consult the aerodrome operator about the planning ..."
response	<i>Noted</i>
	Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.
comment	2548 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i>
	<p>This comment is critical and linked with the one on the "competent authority"</p> <p>Paragraph (b)(1) of this IR describes responsibilities that are not currently assigned to the Spanish competent authority (i.e. oversight authority) : they are assigned to the local regions and thus can not have a Management system in its services.</p> <p>Furthermore, the requirements defined in this regulation cannot be applied to the State authorities which currently have these powers (i.e. police), as they are not competent authorities.</p> <p>It is proposed to modify this paragraph, as follows:</p> <p>"(b) (1) take action or coordinate with the authority, without prejudice to the system and legal provisions of the State, to eliminate or to prevent the establishment of any source or activity which may attract wildlife on an aerodrome or its vicinity, unless a wildlife hazard assessment indicates that these sources are unlikely to create conditions conducive to a wildlife hazard problem."</p>
response	<i>Noted</i>
	Requirements for dealing with wildlife management in the aerodrome surroundings will be revised and addressed to Member State. Paragraph (b)(1) will be deleted.
comment	2567 comment by: <i>IATA</i>
	<p>ADR.AR.C.060 – Wildlife management Add:</p> <p>(c) The competent authority shall establish protective zones around aerodromes to protect the safety of aircraft against the hazardous effects of wild life.</p>

Clarification: Land use planning by local councils and /or by businesses in a defined area around the airport and its runways must consult with the aerodrome operator to avoid activities that attracts wildlife (birds) that have an hazardous effect on the safety of flights.

response

Noted

Requirements for dealing with wildlife management in the aerodrome surroundings will be revised and addressed to Member State. Suggested action may be taken then up to decision of the Member State.

comment

2609

comment by: *Infratil Airports Europe Ltd***Page No:** 29**Paragraph No:** ADR.AR.C.060 (b) (1)

Comment: This needs to be coordinated so the competent authority does not act without coordinating with the aerodrome operator. If uncoordinated it could generate a bad situation.

Proposed Text: Amend to read "take action in coordination with the aerodrome operator"

response

Noted

Paragraph (b)(1) will be deleted.

comment

2610

comment by: *Infratil Airports Europe Ltd***Page No:** 29**Paragraph No:** ADR.AR.C.060 (b) (2)

Comment: This is not definitive enough. The authority should ensure that the aerodrome operator is consulted with. This implies the requirement of a rule to ensure consultation takes place.

Proposed Text: Ensure an aerodrome operator is consulted with on planning applications of such sources or activities

response

Noted

Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.

comment

2662

comment by: *HIA - Highlands and Islands Airports Limited*

C.060 (b) This is the responsibility of the aerodrome operator, with the support of the Competent Authority

response

Partially accepted

Requirements for dealing with wildlife management will be revised and addressed to the Member State who will have to ensure appropriate

coordination.

comment 2696 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.AR.C.060 (b) (1)	Amend to read "take action in coordination with the aerodrome operator"	This needs to be coordinated so the competent authority does not act without coordinating with the aerodrome operator. If uncoordinated it could generate a bad situation.
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response *Noted*

Paragraph (b)(1) will be deleted.

comment 2697 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.AR.C.060 (b) (2)	Amend to read "Consult the aerodrome operator about the planning..."	Improved wording
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response *Noted*

Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.

comment 2862 comment by: *Norwich International Airport*

ADR.AR.C.060 (b) (1)

Amend to read "take action in coordination with the aerodrome operator"

This needs to be coordinated so the competent authority does not act without coordinating with the aerodrome operator. If uncoordinated it could generate a bad situation.

response *Noted*

Paragraph (b)(1) will be deleted.

comment 2864 comment by: *Norwich International Airport*

ADR.AR.C.060 (b) (2)

Amend to read "Consult the aerodrome operator about the planning..."

This is considered to be better wording.

response *Noted*

Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.

comment 3019 comment by: *DAA Cork Airport*

If point (b) (1) is included in the finalised NPA, it should be amended to

	<p>ensure that the competent authority only takes action in coordination with the aerodrome operator.</p> <p>Point (b) (2) should be amended to read "...shall consult the aerodrome operator about the planning....."</p>
response	<p><i>Partially accepted</i></p> <p>Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation. Paragraph (b)(1) will be deleted.</p>
comment	<p>3080 comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i></p> <p>Para (b) subpara (1): The call for elimination of the establishment of any source or activity which may attract wildlife in the surrounding of an aerodrome is under certain geographic conditions quixotic and aiming at something impossible. This alternative is to be deleted. Replace "vicinity" with "surrounding", unless something else is meant. In this case, a definition is needed.</p>
response	<p><i>Partially accepted</i></p> <p>Paragraph (b)(1) deleted. The term "vicinity" will be replaced by the term "surroundings" to be in line with the Basic Regulation terminology.</p>
comment	<p>3153 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i></p> <p>(b) eliminate is not possible, the wording must be realistic</p>
response	<p><i>Noted</i></p> <p>Paragraph (b)(1) will be deleted.</p>
comment	<p>3163 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i></p> <p>(b) an authority or aerodrome has in many cases no legal grounds for limiting such activity outside the aerodrome.</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with wildlife management will be revised and addressed to the Member state who will have to ensure appropriate coordination. Article ADR.AR.C.060 will be removed.</p>
comment	<p>3249 comment by: <i>London Biggin Hill Airport</i></p> <p>ADR.AR.C.060 (b)(1) This needs to be coordinated so the competent authority would</p>

	<p>need to coordinate with the aerodrome authority, amend to read" take action in coordination with the aerodrome operator" (b)(2) Amend to read "consult the aerodrome operator about the planning"</p>
response	<p><i>Noted</i></p> <p>Paragraph (b)(1) will be deleted. Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.</p>
comment	<p>3260 comment by: CAA SR</p> <p>CAA SR does not agree with new obligation stated in ADR.AR.C.060 (b)(1) because elimination or prevention of the establishment of any source or activity which may attract wildlife on an aerodrome or its vicinity should be responsibility of the aerodrome operator. State should introduce means for aerodrome operator enabling to cope with such situation.</p> <p>Delete this text: ADR.AR.C.060 – Wildlife management (b) The competent authority shall: (1) take action to eliminate or to prevent the establishment of any source or activity which may attract wildlife on an aerodrome or its vicinity, unless a wildlife hazard assessment indicates that these sources are unlikely to create conditions conducive to a wildlife hazard problem; and</p>
response	<p><i>Partially accepted</i></p> <p>Requirements for dealing with wildlife management will be revised and addressed to the Member state who will have to ensure appropriate coordination. Paragraph (b)(1) will be deleted.</p>
comment	<p>3284 comment by: Danish Transport Authority</p> <p>It should be the aerodrome operator (land use planning) who take action/ensure to eliminate or to prevent and reduce the risk of collision between aircrafts and bird/wildlife. It will also be the aerodrome operators responsibility to ensure this through supervision of land use planning distributed by other authorities.</p>
response	<p><i>Partially accepted</i></p> <p>Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate coordination. Article ADR.AR.C.060 will be removed.</p>
comment	<p>3309 comment by: Southampton Airport</p>

	Under (b) 1 - amend to take action in "co-ordination with the aerodrome operator".
response	<i>Noted</i> Paragraph (b)(1) will be deleted.

comment	3330 comment by: <i>AEA - Association of European Airlines</i> ADR.AR.C.060 — Wildlife management (a) The competent authority shall establish and implement a procedure for the reporting and the recording of wildlife strikes to aircraft. (b) The competent authority shall: (1) take action to eliminate or to prevent the establishment of any source or activity which may attract wildlife on an aerodrome or its vicinity, unless a wildlife hazard assessment indicates that these sources are unlikely to create conditions conducive to a wildlife hazard problem; and (2) allow an aerodrome operator to be consulted about the planning of such sources or activities. Comments Add: (c) The competent authority shall establish protective zones around aerodromes to protect the safety of aircraft against the hazardous effects of wild life. Clarification: Land use planning by local councils and /or by businesses in a defined area around the airport and its runways must consult with the aerodrome operator to avoid activities that attracts wildlife (birds) that have an hazardous effect on the safety of flights.
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response	<i>Noted</i> Requirements for dealing with wildlife management in the aerodrome surroundings will be revised and addressed to Member State. Suggested action may be taken then up to decision of the Member State.
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comment	3464 comment by: <i>Fraport AG</i> ADR.AR.C.060 - Wildlife management (b) (1) Editorial take action to eliminate or to prevent the establishment of any source or activity which may attract wildlife on an aerodrome or its vicinity , ... Proposed Text take action in coordination with the aerodrome operator to eliminate ... Fraport AG: This needs to be coordinated so the competent authority does not act
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	without coordinating with the aerodrome operator. If uncoordinated it could generate a bad situation.
response	<i>Partially accepted</i>
	Requirements for dealing with wildlife management will be addressed to the Member state who will have to ensure appropriate consultation.
comment	<p>3465 comment by: <i>Fraport AG</i></p> <p>ADR.AR.C.060 - Wildlife management (b) (1)</p> <p>Question</p> <p>take action to eliminate or to prevent the establishment of any source or activity which may attract wildlife on an aerodrome or its vicinity, ...</p> <p>"Vicinity" is not defined in its expansion.</p> <p>Fraport AG: if "vicinity" is not defined for each item it will be used, it will follow into very different interpretations within Europe and to competitive distortion.</p>
response	<i>Partially accepted</i>
	The term "vicinity" will be replaced by term "surroundings" to be in line with the Basic Regulation terminology.

ANNEX I - Part AR - ADR.AR.C.065 – Obstacles – Objects	p. 30
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comment	<p>74 comment by: <i>CAA Norway</i></p> <p>We do not agree to the wording in ADR.AR.C.065 (c) on page 30 because it requires an aeronautical study to be carried out for every obstacle above a certain height, and thus is more strict than the intent of Annex 14 paragraph 4.3.1 and more strict than the text suggested by ADR.001.</p> <p>We suggest to use the wording of Annex 14 paragraph 4.3.1 : "Arrangements should be made to enable the appropriate authority to be consulted concerning proposed construction beyond the limits of the obstacle limitation surfaces that extend above a height established by that authority, in order to permit an aeronautical study of the effect of such construction on the operation of aeroplanes."</p>
response	<i>Accepted</i>
	Article ADR.AR.C.065 (c) will be removed.
comment	<p>164 comment by: <i>CAA-NL</i></p> <p>Attachment #149</p> <p>We suggest to make separate requirements for the obstacle limitation surfaces and protection surfaces on an aerodrome and the surroundings of an aerodrome.</p>

	<p>In (a) (3) there is a requirement to not permit developments which may endanger safety due to obstacle-induced turbulence. There are however no criteria for significant obstacle induced turbulence or distances to take into account. <u>In the Netherlands we use the criterion of 7 knots for the speed deficit due to a wind disturbing structure along the aircraft track and the criterion of 6 knots for the speed deficit across the aircraft track. These may be added to the proposals as AMC.</u></p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with obstacles on an aerodrome are addressed to aerodrome operator in part OPS. Requirements for dealing with obstacles in the aerodrome surroundings will be addressed to Member state in the final rules. Article ADR.AR.C.065 will be removed.</p>
comment	<p>266 comment by: CAA Norway</p> <p>The last part of the sentence, "in accordance with...etc." in ADR.AR.C.065 (b) on page 30 should be removed unless EASA is actually given the competence at this stage, to regulate how to mark obstacles beyond the limits of the obstacle limitation surfaces/aerodrome. (En-route obstacles)</p>
response	<p><i>Accepted</i></p> <p>Requirements for dealing with obstacles in the aerodrome surroundings will be revised in order to be in line with the scope of the Basic Regulation. Article ADR.AR.C.065 (b) will be removed.</p>
comment	<p>294 comment by: BAA Airside operations</p> <p>(a) (2) Comment "shall not permit ...extensions" is very precise – there may be occasions when a small increase in height can be tolerated. For example where high ground infringes, this would mean a fence could not be placed on the ground if that increased the height. This may be in a very low risk area of the protected surfaces. In practice this seems too onerous.</p>
response	<p><i>Noted</i></p> <p>Paragraph (a)(2) will be removed.</p>
comment	<p>346 comment by: Danish Transport Authority</p> <p>Subject (a) (3) referring to obstacle-induced turbulence. Since this definition is included in the requirements, it must be further defined and described in AMC/GM what assessment/measures should be observed/taken to avoid obstacle-induced turbulence.</p>
response	<p><i>Noted</i></p>

comment	390	comment by: <i>Edinburgh Airport</i>
	ADR.AR.C.065 (a) (2) - Comment "shall not permit.... extensions" is very precise - there may be occasions when a small increase in height can be tolerated. For example where high ground infringes, this would mean a fence could not be placed on the ground if that increased the height. This may be in a very low risk area of protected surfaces. In practice this seems too onerous.	
response	<i>Noted</i> Paragraph (a)(2) will be removed.	
comment	496	comment by: <i>Icelandic Civil Aviation Administration</i>
	The last part of the sentence, "in accordance with...etc." in ADR.AR.C.065 (b) on page 30 should be removed unless EASA is actually given the competency at this stage, to regulate how to mark obstacles beyond the limits of the obstacle limitation surfaces/aerodrome. (En-route obstacles)	
response	<i>Accepted</i> Requirements for dealing with obstacles in the aerodrome surroundings will be revised in order to be in line with the scope of the Basic Regulation. Article ADR.AR.C.065 (b) will be removed.	
comment	497	comment by: <i>Icelandic Civil Aviation Administration</i>
	We do not agree to the wording in ADR.AR.C.065 (c) on page 30 because it requires an aeronautical study to be carried out for every obstacle above a certain height, and thus is more strict than the intent of Annex 14 paragraph 4.3.1 and more strict than the text suggested by ADR.001. We suggest to use the wording of Annex 14 paragraph 4.3.1 : "Arrangements should be made to enable the appropriate authority to be consulted concerning proposed construction beyond the limits of the obstacle limitation surfaces that extend above a height established by that authority, in order to permit an aeronautical study of the effect of such construction on the operation of aeroplanes."	
response	<i>Accepted</i> Article ADR.AR.C.065 (c) will be removed.	
comment	541	comment by: <i>Estonian CAA</i>
	The last part of the sentence, "in accordance with...etc." in ADR.AR.C.065 (b) on page 30 should be removed unless EASA is actually given the competency at this stage, to regulate how to mark obstacles beyond the limits of the obstacle limitation surfaces/aerodrome. (En-route obstacles)	
response	<i>Accepted</i> Requirements for dealing with obstacles in the aerodrome surroundings will be revised in order to be in line with the scope of the Basic Regulation. Article ADR.AR.C.065 (b) will be removed.	

comment	542	comment by: <i>Estonian CAA</i>
	<p>We do not agree to the wording in ADR.AR.C.065 (c) on page 30 because it requires an aeronautical study to be carried out for every obstacle above a certain height, and thus is more strict than the intent of Annex 14 paragraph 4.3.1 and more strict than the text suggested by ADR.001.</p> <p>We suggest to use the wording of Annex 14 paragraph 4.3.1 : "Arrangements should be made to enable the appropriate authority to be consulted concerning proposed construction beyond the limits of the obstacle limitation surfaces that extend above a height established by that authority, in order to permit an aeronautical study of the effect of such construction on the operation of aeroplanes."</p>	
response	<p><i>Accepted</i></p> <p>Article ADR.AR.C.065 (c) will be removed.</p>	
comment	577	comment by: <i>Belfast International Airport - BFS/EGAA</i>
	Strongly agree	
response	<i>Noted</i>	
comment	741	comment by: <i>Finnish Transport Safety Agency</i>
	<p>The last part of the sentence, "in accordance with...etc." in ADR.AR.C.065 (b) on page 30 should be removed unless EASA is actually given the competency at this stage, to regulate how to mark obstacles beyond the limits of the obstacle limitation surfaces/aerodrome. (En-route obstacles)</p>	
response	<p><i>Accepted</i></p> <p>Requirements for dealing with obstacles in the aerodrome surroundings will be revised in order to be in line with the scope of the Basic Regulation. Article ADR.AR.C.065 (b) will be removed.</p>	
comment	742	comment by: <i>Finnish Transport Safety Agency</i>
	<p>We do not agree to the wording in ADR.AR.C.065 (c) on page 30 because it requires an aeronautical study to be carried out for every obstacle above a certain height, and thus is more strict than the intent of Annex 14 paragraph 4.3.1 and more strict than the text suggested by ADR.001.</p> <p>We suggest to use the wording of Annex 14 paragraph 4.3.1 : "Arrangements should be made to enable the appropriate authority to be consulted concerning proposed construction beyond the limits of the obstacle limitation surfaces that extend above a height established by that authority, in order to permit an aeronautical study of the effect of such construction on the operation of aeroplanes."</p>	
response	<i>Accepted</i>	

Article ADR.AR.C.065 (c) will be removed.

comment

1008 ❖

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- Draft Commission Regulation - Article 3 – Oversight capabilities - paragraph 1 (p10)
- ANNEX I – Part-AR - ADR.AR.B.005(c) – Management System (p20)
- ANNEX I - Part-AR - ADR.AR.C.065 – Obstacles-Objects (p30)
- ANNEX I - Part-AR - ADR.AR.C.070 – confusing, misleading and hazardous lights (p30)
- ANNEX I - Part-AR - ADR.AR.C.075 – Protection of communication, navigation and surveillance systems (p30-31)
- ANNEX I - Part-AR - ADR.AR.C.080 – Other activities (p31)
- ANNEX I - Part-AR - ADR.AR.C.065 – Obstacles-Objects (c) (p30)
- AMC/GM to ANNEX I – Part-AR – AMC1-ADR.AR.B.005(c) – Management System (p13)
- AMC-GM to Annex I – AMC2-ADR-AR.C.065 (b) – Obstacles – Objects – wind turbines (p51)
- AMC-GM to Annex I – AMC1-ADR-AR.C.070(a) – confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I – AMC2-ADR-AR.C.070(a) – Confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I – AMC1-ADR-AR.C.070(b) – Confusing, misleading and hazardous lights (p53)
- AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) – Obstacles – Objects (p38)
- AMC/GM to ANNEX I – Part-AR - AMC1-ADR-AR.C.060(b) – Wildlife hazard management – MITIGATING MEASURES (page 37)
- CS-ADR - Book 1 - CS-ADR-DSN.A.002 – Definitions – 'clearway' (p5)

2. Justification and proposed text / comment

This comment is linked with comment 789 in book II and comment 591 in book III

This comment is **critical** as the rules, as written presently, can not be applied in the French system, linked with the definition of "competent authority" and its related obligations. This comment is linked to the issue on responsibility (see proposal for adding Article 2bis in the Cover regulation).

This comment aims to inform EASA on how the French DGAC understands the notion of "competent authority", and also to list the rules which can not be applied for such competent authority.

France understands the competent authority is the civil aviation authority in charge of the oversight of the aerodrome operator for the tasks mentioned in its aerodrome certificate.

To explain our comment: In France, there are regions, and representatives from the States in these regions ("préfet" in French). The local representative from the State has some responsibilities, particularly for land planning use. For example, this representative is competent on land use matters to apply the obstacle limitation surfaces and to edict rules on policy on aerodromes (e.g. defining the movement area or stating that

people working on the aerodrome have to be trained). The "préfet" is not considered as a competent authority, as if he was, its services would have to respect all the rules which apply the competent authorities, in particular the obligation to have a SMS: this is not possible in the French system and it would be too complex, too expensive and not feasible considering the reduced resources.

This should be taken into account while writing the rules: it is proposed to clarify this point by distinguishing in the rules the "competent authorities" and the "other authorities". Moreover, security and local land use authorities are considered as "authorities" but shall not be "competent authorities" as requiring them to have a management system would be totally unfeasible.

However, coordination between these entities exists and can be made through several means. DGAC understands that coordination arrangements can be fulfilled by the mean of: protocols, legally defined coordination, or both entities being members of the government or the same State authorities.

DGAC France fully supports the use of the word "appropriate authority" in the definition of "clearway" in CS-ADR-DSN.A.002 (p5), which gives to France the flexibility we need.

It is proposed to clarify these points by:

- **modifying paragraph (c) of ADR.AR.B.005 as follows :**

"The competent authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance of other competent authorities/authorities of the Member State concerned.

- **replacing the 2 first sentences of AMC1-ADR.AR.B.005(c) by:**

« The coordination between the competent authority(ies) and the other authorities of the Member State should be formally documented, and should encompass, as deemed appropriate by the Member State, the following authorities :

*~~The competent authority should establish coordination arrangements with other **competent** authorities of the Member State. Such coordination arrangements should in particular include the following **competent** authorities ... »~~*

- **modifying the provisions on surroundings: ADR-AR.C.065, ADR-AR.C.070, ADR-AR.C.075, ADR-AR.C.080 and corresponding AMCs and GMs, and AMC1-ADR.AR.C.060(b) as proposed in specific DGAC's comments.**

response *Noted*

comment 1024 comment by: *Dublin Airport Authority*
There may be occasions whereby a small increase in height can be safely

tolerated. For example, where high ground infringes, this would mean that a fence could not be placed if that increased the height and this may be in a very low risk area of the protected surfaces. In practice, this statement seems too prescriptive.

response

Noted

Paragraph (a)(2) will be removed.

comment

1053

comment by: *Bristol Airport - BRS/EGGD*

ADR.AR.C.065(a)(2)	Comment	"shall not permit ...extensions" is very precise – there may be occasions when a small increase in height can be tolerated. For example where high ground infringes, this would mean a fence could not be placed on the ground if that increased the height. This may be in a very low risk area of the protected surfaces. In practice this seems too onerous.
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response

Noted

Paragraph (a)(2) will be removed.

comment

1064

comment by: *NATS National Air Traffic Services Limited*

ADR.AR.C.065(c) - This Article appears to have a scope well beyond aerodromes. Is this appropriate?

response

Accepted

Requirements for dealing with obstacles in the aerodrome surroundings will be revised in order to be in line with the scope of the Basic Regulation. Article ADR.AR.C.065 (c) will be removed.

comment

1112

comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

In Deutschland ist in §14 Abs. 1 LuftVG für Hindernisse außerhalb der Bauschutzbereiche eine Höhe von mehr als 100m über der Erdoberfläche festgelegt worden, bei denen die Luftfahrtbehörden im Baugenehmigungsverfahren zu beteiligen sind. In ADR.AR.C.065(c) wird eine Höhe von mehr als 150m für derartige Hindernisse festgelegt. Diese um 50m größere Höhe kann insbesondere für den Sichtflugverkehr (VFR) ein Sicherheitsproblemen darstellen. Aus diesem Grund ist in ADR.AR.C.065(c) die Grenze ebenfalls auf 100m über der Erdoberfläche festzulegen.

In german law the limitation for obstacles in aereas beyond the limits of the obstacle limitation surfaces is defined as 100m or more above ground elevation. Above this height the competent authority is to be involved in building permission procedures. In ADR.AR.C.065(c) the limitation height is defined as 150m or more AGL. There are 50m difference between the european and the german limitation. This could be a big safety problem for VFR-traffic. Therefore the obstacle limitation height in

response	<p><i>ADR.AR.C.065(c) is to be defined as 100m or more AGL.</i></p> <p><i>Noted</i></p> <p>Paragraph (c) will be removed.</p>
comment	<p>1240 comment by: <i>Gatwick Airport Ltd</i></p> <p>Move and change. Falls under sub part C</p> <p>Justification</p> <p>London Gatwick believes that the safeguarding of its aerodrome from wildlife hazard or obstacle infringement is critical to both aerodrome safety and future aerodrome development. Therefore this safeguarding should remain the responsibility of the aerodrome operator and via close coordination with the competent authority would be the appropriate model going forward</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with obstacles in the aerodrome surroundings will be revised and addressed to Member state who will decide on particular responsibilities.</p> <p>Article ADR.AR.C.065 will be removed.</p>
comment	<p>1248 ❖ comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <p><u>Cover regulation</u></p> <ul style="list-style-type: none"> • Draft Commission Regulation - Article 8 – Obstacles - Objects (p14) <p><u>Annexes to the cover regulation</u></p> <ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects (p30) • ANNEX I - Part-AR - ADR.AR.C.070 — confusing, misleading and hazardous lights (p30) • ANNEX I - Part-AR - ADR.AR.C.075 — Protection of communication, navigation and surveillance systems (p30-31) • ANNEX I - Part-AR - ADR.AR.C.080 — Other activities (p31) • Annex III - ADR-OPS.B.075 — Safeguarding of aerodromes (68) <p><u>AMC/GM to the IR</u></p> <ul style="list-style-type: none"> • AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p38) • AMC-GM to Annex I - AMC1-ADR-AR.C.065 — Obstacles (a) – Outer Horizontal Surface (p39) • AMC-GM to Annex I - AMC2-ADR-AR.C.065(a) — Obstacles – Elevation datum (p39) • AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles — Objects – Non instrument runways (p39) • AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles —

- Objects – non precision approach runways (p39-40)
- AMC-GM to Annex I – AMC2-ADR.AR.C.065(a) – Obstacles – Objects – precision approach runways (p40)
- AMC-GM to Annex I – AMC3-ADR.AR.C.065(a) – Obstacles – Objects – runways meant for take-off (p40)
- AMC-GM to Annex I – AMC4-ADR.AR.C.065(a) – Obstacles – Objects – other objects (p41)
- AMC-GM to Annex I – AMC5-ADR.AR.C.065(a) – Obstacles – Objects – obstacle protection surface for visual approach slope indicator systems (p41)
- AMC-GM to Annex I – AMC1-ADR-AR.C.065 (b);(c) – Obstacles – Objects (p41)
- AMC-GM to Annex I – AMC1-ADR-AR.C.065(b);(c) – Obstacles – Objects – (p42-43)
- AMC-GM to Annex I – AMC1-ADR-AR.C.065(b) – Obstacles – Objects (p43)
- AMC-GM to Annex I – AMC2-ADR-AR.C.065 (b) – Obstacles – Objects – wind turbines (p51)
- AMC-GM to Annex I – AMC1-ADR-AR.C.070(a) – confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I – AMC2-ADR-AR.C.070(a) – Confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I – AMC1-ADR-AR.C.070(b) – Confusing, misleading and hazardous lights (p53)
- AMC-GM to Annex III - AMC1-ADR-OPS.B.075 – Safeguarding of aerodromes (p165-166)
- AMC-GM to Annex III - AMC2-ADR-OPS.B.075 – Obstacle restriction and removal (p166-169)
- AMC-GM to Annex III - AMC3-ADR-OPS.075 – Marking and lighting of obstacles (p169-170)
- AMC-GM to Annex III - AMC4-ADR-OPS.B.075 – Obstacles that extends above a take-off climb surface (p170)
- AMC-GM to Annex III - AMC5-ADR-OPS.B.075 – Objects, other than obstacles, adjacent to a take-off climb Surface (p170-171)
- AMC-GM to Annex III - AMC6-ADR-OPS.B.075 – Obstacles that extends above an approach or transitional Surface (p171)
- AMC-GM to Annex III - AMC7-ADR-OPS.B.075 – Fixed obstacles above a horizontal surface (p171)
- AMC-GM to Annex III - AMC8-ADR-OPS.B.075 – Marking of objects (p172)
- AMC-GM to Annex III - AMC9-ADR-OPS.B.075 – Location of obstacle lights (p172)

2. Justification and proposed text / comment

This comment is linked with comment 1015 in book II.

(A) The safeguarding of aerodromes is at the limit between the civil aviation competency and the land use planning competency which both may be shared with local authorities with varying splits according to the States. It is then essential to provide enough flexibility so that the Member State can establish a mechanism to manage the surroundings of the aerodrome that can fit its system and legal provisions.

This can be done by referring to other authorities of the Member State instead of the competent authority, and by indicating that the control of obstacles is done "without prejudice to the system and legal provisions of the Member State". This is a critical point for DGAC.

Note: in addition to that, OLS may expand in more than one State (Basle, Geneva, Fontarabie) and the legal context may be utterly complex.

Thus the need to modify the wording of the following provisions:

- **Paragraphs (a)(2) and (a)(3) of ADR.AR.C.065 – Obstacles-Objects**

"(a) The competent authority or other authorities of the Member State shall:

[...]

(2) not permit new objects or extensions to existing objects, remove objects or otherwise protect the surfaces and areas established in accordance with (a)(1), as appropriate, without prejudice to the system and legal provisions of the Member State;

(3) not permit developments which may endanger safety due to obstacle-induced turbulence, without prejudice to the system and legal provisions of the Member State.

- **ADR.AR.C.070 – Confusing, misleading and hazardous lights REV**

"(a) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall ensure that sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are extinguished, screened, or modified, or are subject to any other action required in the interest of safety.

(b) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall establish protective zones around aerodromes to protect the safety of aircraft against the hazardous effects of laser emitters."

- **ADR.AR.C.075 – Protection of communication, navigation and surveillance systems**

"The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall:

(a) establish protection areas for each aeronautical communications, navigation and surveillance system;

(b) not permit, or shall modify or otherwise mitigate sources of non-visible radiation or the presence of moving or fixed objects that may interfere with, or adversely affect, the performance of the systems mentioned in subparagraph (a)."

- **ADR.AR.C.080 – Other activities**

"The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated."

- **Paragraphs (c)(3), (c)(4)(i) and (d) of AMC2-ADR-AR.C.065 (b) – Obstacles - Objects**

"WIND TØURBINES

[...] (c) Lighting – day use [...]

(3) Where the highest point of the blade on the vertical position exceeds 150 m above ground level, high-intensity white lights should be prescribed by the competent authority or other authorities of the Member State,

without prejudice to its system and legal provisions, if medium intensity lights are deemed insufficient.

(4) Obstacle lights should be installed on the nacelle in such a manner as to provide an unobstructed view for aircraft approaching them from any direction.

(i) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels.

(ii)[...]

(d) Lighting – night use

(1) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe medium-intensity flashing red lights instead of white lights. [...]

(2) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels if it is deemed necessary; these lights should be low-intensity fixed red lights Type A or Type B. The wind turbine rotor should not shield lights on intermediate levels.
[...]"

- **Paragraph (b) of AMC1-ADR.AR.C.070(a) – Confusing, misleading and hazardous lights**

"LIGHTS THAT MAY ENDANGER THE SAFETY OF AIRCRAFT

[...]

(b) The competent authority should have as appropriate arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, in order to achieve (a) above."

- **Paragraph (b) of AMC2-ADR.AR.C.070(a) – Confusing, misleading and hazardous lights**

"LIGHTS WHICH MAY CAUSE CONFUSION

[...]

(b) Arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in place, as appropriate, to achieve (a) above."

- **Paragraph (a) of AMC1-ADR.AR.C.070 (b) – Confusing, misleading and hazardous lights**

"LASER EMISSIONS WHICH MAY ENDANGER SAFETY

(a) The competent authority should ensure that the following protected zones are established and implemented around an aerodrome and that appropriate arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in place, in order to protect the safety of aircraft against the hazardous effects of laser emitters:

[...]"

(B) The control of surroundings is dealt with through two tiers:

- the aerodrome operator's monitoring, within the limit of its responsibilities, and through its notified certification basis and
- the Member States' mechanisms established for such purpose.

Consequently, the following principles are to be pursued in the proposed implementing rules and proposed certification specifications:

1. The requirements for the authority in part AR should take into account the fact that the control of obstacles is strongly linked to the land use planning laws, thus all that can be expected from the

Member State is the establishment of a mechanism to safeguard the surroundings of the aerodromes. This is done case by case for each aerodrome, so it is essential to provide enough flexibility in these rules to allow necessary arrangements to fit to each aerodrome environment and context. The logic understood by DGAC is that authorities establish surfaces relying on what is notified in the certification basis of the aerodrome, but with some adaptations for instance to take into account future developments of the aerodrome.

2. The requirements for the aerodrome operator on that subject should be in the book of certification specifications only, and should not be duplicated in the part OPS. Moreover, it is essential that these requirements take into account the fact that outside the boundaries of the aerodrome, the aerodrome operator has absolutely no legal power to control obstacles. All that can be expected from the aerodrome operator outside its boundaries is the establishment of OLS, which the aerodrome operator should propose to the competent authority in accordance with AMC1-ADR.OR.B.015(b)(1);(2);(3), and their oversight within its line of sight.

The first principle leads to review the part AR corresponding to the article 8 of the cover regulation, in particular ADR-AR.C.065 and corresponding AMCs and GMs. Comments for each provision have been done in the specific DGAC's comments.

The second principle leads to delete from the part OPS all the provisions related to the monitoring of the surroundings and related to the limitation and marking and/or lighting of obstacles.

Indeed, AMC/GM Part OPS should only reflect the Essential Requirements stated in Section B.1(b) of Annex Va, which specifies that *"the aerodrome operator shall verify that the requirements of Section A are complied with at all times or take appropriate measures to mitigate the risks associated with non-compliance. Procedures shall be established and applied to make all users aware of such measures in a timely manner"*. Thus the rules stated by Part OPS need only to impose the fact that the aerodrome operator shall have procedures in place for mitigating the risks associated with obstacles and other activities within the monitored areas that could impact safety.

DGAC proposes the following modifications of ADR-OPS.B.075 and AMC1-ADR-OPS.B.075, and to delete the all other corresponding AMCs and GMs, given the fact that all of them are already dealt with in the book of certification specifications.

Note: it is proposed to delete (a)(3) of ADR-OPS.B.075 because already covered by paragraph (b) and confusing given the fact that the aerodrome has no legal power on the areas outside its boundaries.

ADR-OPS.B.075 – Safeguarding of aerodromes

"(a) The aerodrome operator shall have procedures to monitor on the aerodrome and surroundings within the areas defined in coordination with the competent authority:

(1) obstacle limitation surface and protection surfaces of navigation aids as established in accordance with the Certification Basis of the aerodrome in order to take appropriate action to mitigate the risk associated with

~~regard to their penetration of by obstacle limitation surfaces or other safeguarding surfaces;~~

~~(2) marking and lighting of obstacles in accordance with the Certification Basis of the aerodrome in order to be able to take action as appropriate;~~

~~(3) hazards related to human activities and land use in order to take action as appropriate.~~

~~(b) The aerodrome operator shall have procedures in place, without prejudice to the system and legal provisions of the member State, for mitigating the risks associated with obstacles, developments and other activities within the monitored areas that could impact safe operations of aircraft operating at, to or from the aerodrome."~~

AMC1-ADR-OPS.B.075 – Safeguarding of aerodromes (p165-166)

~~"(a) The aerodrome operator should have procedures to monitor the changes in the obstacle environment, marking and lighting and in human activities or land use on the aerodrome and its surroundings areas defined in coordination with the competent authority. The scope, limits, tasks and responsibilities for the monitoring should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.~~

~~(b) The limits of the aerodrome surroundings that should be monitored by the aerodrome operator are defined in coordination with the competent authority and should include the areas that can be visually monitored during the inspections of the manoeuvring area.~~

~~(c) The aerodrome operator should have procedures to mitigate the risks associated with changes on the aerodrome and its surroundings identified with the monitoring procedures. The scope, limits, tasks and responsibilities for the mitigation of risks associated to obstacles or hazards outside the perimeter fence of the aerodrome should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.~~

~~(d) The risks caused by human activities and land use which should be assessed and mitigated should include:~~

~~(1) obstacles and the possibility of induced turbulence;~~

~~(2) the use of hazardous, confusing and misleading lights;~~

~~(3) the dazzling caused by large and highly reflective surfaces;~~

~~(4) sources of non-visible radiation or the presence of moving or fixed objects which may interfere with, or adversely affect, the performance of aeronautical communications, navigation and surveillance systems;~~

~~(5) non-aeronautical ground light near an aerodrome which may endanger the safety of aircraft and which should be extinguished, screened or otherwise modified so as to eliminate the source of danger."~~

~~AMC2-ADR-OPS.B.075 – Obstacle restriction and removal (p166-169)~~

~~Note: these provisions are already dealt with in:~~

- ~~· CS-ADR-DSN.B.165 – Objects on runway strips (p18),~~
- ~~· CS-ADR-DSN.B.170 – Non-precision approach and non-instrument runway strips (p19),~~
- ~~· CS-ADR-DSN.J.475 – Non-precision approach runways (p45),~~
- ~~· CS-ADR-DSN.J.480 – Precision approach runways (p46),~~
- ~~· CS-ADR-DSN.J.485 – Runways meant for take-off (p47),~~
- ~~· CS-ADR-DSN.T.915 - Siting of equipment and installations on operational areas (p167)~~

~~AMC3-ADR-OPS.B.075 – Marking and lighting of obstacles (p169-170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 – Objects to be marked and/or lighted (p146-147).

~~AMC4 ADR OPS.B.075 – Obstacles that extends above a take-off climb surface (p170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 – Objects to be marked and/or lighted (p146-147).

~~AMC5 ADR OPS.B.075 – Objects, other than obstacles, adjacent to a take-off climb Surface (p170-171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 – Objects to be marked and/or lighted (p146-147).

~~AMC6 ADR OPS.B.075 – Obstacles that extends above an approach or transitional Surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 – Objects to be marked and/or lighted (p146).

~~AMC7 ADR OPS.B.075 – Fixed obstacles above a horizontal surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 – Objects to be marked and/or lighted (p146-147).

~~AMC8 ADR OPS.B.075 – Marking of objects (p172)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.845 – Marking of objects (p147).

~~AMC9 ADR OPS.B.075 – Location of obstacle lights (p172)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.850 – Lighting of objects (p150).

response

Noted

Requirements set in ADR.AR.C.065 - 080 will be removed.

comment

1303

comment by: CAA Norway

The wording "shall not permit ...extensions" in ADR.AR.C.065 (a)(2) is too strict as there may be occasions where an increase in height or even a new object can be tolerated. This is reflected in Annex 14 and in this NPA. We suggest this paragraph to be reworded accordingly.

response

Noted

Paragraph (a)(2) will be removed.

comment

1307 ❖

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- Draft Commission Regulation - Article 8 – Obstacles - Objects (p14)
- ANNEX I - Part-AR - ADR.AR.C.065 – Obstacles-Objects (c) (p30)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065 (b);(c) – Obstacles – Objects (p41)

2. Justification and proposed text / comment

This comment is linked with comment 1026 in book II.
Paragraph 2 of Article 8, Paragraph (c) of ADR.AR.C.065 and AMC1-ADR-AR.C.065 (b);(c) (page 41) deal with areas beyond the obstacle limitation surfaces which is out of the scope of application of Implementing Rules for aerodromes as it is part of the airspace regulation (obstacles beyond the OLS are ATM matters). Thus DGAC proposes to delete them.

Article 8 – Obstacles – Objects

~~"[...]2. Member States shall ensure that the competent authority is consulted with regard to proposed constructions beyond the limits of the obstacle limitation surfaces, established by the competent authority in accordance with this Regulation, and which extend above a height established by that authority."~~

ADR.AR.C.065 – Obstacles-Objects

~~"[...] (c) The competent authority shall ensure that an aeronautical study is conducted to determine the effect on the operation of aircraft by constructions, beyond the limits of the obstacle limitation surfaces, established in accordance with paragraph (a), and which extend above a height established by that authority.~~

~~In areas beyond the limits of the obstacle limitation surfaces, at least those objects which extend to a height of 150 m or more above ground elevation shall be regarded as obstacles, unless an aeronautical study indicates that they do not constitute a hazard to aircraft."~~

~~**AMC1-ADR-AR.C.065 (b);(c) – Obstacles – Objects "OBSTACLES BEYOND THE OBSTACLE LIMITATION SURFACES"**~~

response *Partially accepted*

Requirements for dealing with obstacles will be revised and addressed to Member State in order to be in line with Basic Regulation.
Articles ADR.AR.C.065 (c) and GM1-ADR-AR.C.065 (b);(c) will be removed.

comment 1308 comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.C.065 – Obstacles-Objects (c) (p30)
- AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) – Obstacles – Objects (p38)

2. Justification and proposed text / comment

This comment is linked with comment 1031 in book II.

* The characteristics of the Obstacle Limitation Surfaces, protection surfaces and other areas attached to an aerodrome are specific to the physical characteristics of the aerodrome and to the certification specifications or ELOS or special conditions applicable to the aerodrome, which are notified in its certification basis. Therefore such surfaces and areas can only be defined with regard to the actual surfaces and areas established in the aerodrome Certification Basis.

Thus, authorities establish surfaces in accordance with the certification basis of the aerodrome, but with some possible adaptations, for instance to take into account future developments of the aerodrome; see the proposed modifications of paragraph (a) of ADR.AR.C.065 and the proposed *AMC-ADR.AR.C.065 – Obstacles – Objects*.

* Moreover, some provisions of GM1-ADR-AR.C.065 (b);(c), in particular

the first two sentences, are important enough to be in an acceptable means of compliance of ADR.AR.C.065. Thus DGAC proposes to add, just before it, an AMC giving the general principles that a Member State should follow to comply with ADR.AR.C.065.

* Finally, the competent authority, as understood by DGAC has no legal power to control the obstacles since this is land use services' competency only. Thus, it is proposed to indicate when necessary that the control is done by the competent authority or other authorities of the Member State, according to the system and legal provisions of the Member State. This is a **critical** point for the French DGAC.

ADR.AR.C.065 – Obstacles-Objects

“(a) The competent authority shall:

(1) establish in accordance with in the Certification Basis of the aerodrome obstacle limitation surfaces, protection surfaces and other areas associated with an aerodrome and its surroundings to define the limits to which objects may project into the airspace;[...]”

AMC-ADR.AR.C.065 – Obstacles – Objects

“GENERAL

The establishment of the obstacle limitation surfaces, protection surfaces and other areas associated with an aerodrome aims at ensuring the safety and regularity of aircraft operations.

Because of their significance, the Member State should establish a mechanism to ensure that such established surfaces and areas continuously meet the applicable requirements. In particular, the mechanism should take into account the obstacle limitations surfaces established in accordance with the certification basis of the aerodrome.”

GM1-ADR.AR.C.065 – Obstacles – Objects

“GENERAL

~~The establishment of the obstacle limitation surfaces, protection surfaces and other areas associated with an aerodrome aims at ensuring the safety and regularity of aircraft operations.~~

~~Because of their significance, it is necessary to establish a mechanism to ensure that such established surfaces and areas continuously meet the applicable requirements.~~

Outside the boundaries of the aerodrome the aerodrome operator has normally no legal power to protect the established surfaces and areas associated with the aerodrome.

Without prejudice to the obligations of the aerodrome operator to monitor the activities around the aerodrome and to take the actions foreseen in Part-ADR.OPS, it is understood that this may not be sufficient to control/prevent the development of new obstacles, or extensions to existing ones, or to remove such obstacles that may endanger safety or make the aerodrome unusable.

Thus, it is for the Member State's competent authority or other authorities of the Member State, without prejudice to the system and legal provisions of the Member State, to exercise its powers to prevent or correct such situations. This can be accomplished in many different ways, depending on the Member State's administrative and legal system, the coordination mechanisms and the powers vested to each ~~competent~~ authority.

In any case, the way in which this objective is to be accomplished, as well as the coordination mechanisms required to be set-up, are left to the Member States.”

response Noted

ADR.AR.C.065 will be removed.
GM1-ADR.AR.C.065 will be removed.

comment 1309 comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects - paragraph (b) (p30)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(b);(c) —Obstacles — Objects - (p42-43)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(b) — Obstacles — Objects (p43)

2. Justification and proposed text / comment

This comment is linked with comment 1309 in book I.

* Within the boundaries of the aerodrome, marking and/or lighting of obstacles are the aerodrome operator's task and not the competent authority's one, and are dealt with in the certification basis of the aerodrome. All the requirements for making and/or lighting of obstacles within the boundaries of the aerodrome are in book III - *certification specifications* only. Thus, ADR.AR.C.065 and the corresponding AMCs and GMs are applicable to objects outside the boundaries of the aerodrome only.

In this context, outside the boundaries of the aerodrome, the rules are to be harmonized with the rules defined in the certification basis of the aerodrome.

Moreover, it is essential to take into account the need for flexibility since the marking and lighting may differ from the standard certification specifications according to local condition (marking and lighting of obstacles is often determined on a case by case basis since it strongly depends on local conditions). That's why it is proposed to indicate in ADR.AR.C.065 that the impact of the object on the safety of aircraft operations around the aerodrome has to be taken into account.

In addition to that, it is essential to limit the application of the rules of part AR to the areas protected by the obstacle limitation surfaces established in the certification basis of the aerodrome. The objects beyond the OLS are ATM matters only.

Thus ADR.AR.C.065 and the corresponding AMCs are applicable to objects outside the boundaries of the aerodrome and inside the areas protected by the obstacle limitation surfaces defined in the certification basis of the aerodrome (see proposed paragraph (b) of ADR.AR.C.065 below).

* Concerning the competency for the control of obstacles outside the aerodrome boundaries, neither the aerodrome operator nor the competent authority has the legal power to make marking and/or lighting requirements mandatory to third parties: only the Member State has the legal power. This point is critical for DGAC and can be solved through two possibilities:

- either by referring to the Member State instead of the competent authority,
- or by indicating that the control of obstacles is done by the competent authority without prejudice to the system and legal provisions

of the Member State (see proposed paragraph (b) of ADR.AR.C.065 below).

ADR.AR.C.065 — Obstacles-Objects

"[...] (b) outside the boundaries of the aerodrome and within the areas protected by the obstacle limitation surfaces defined in the certification basis of the aerodrome, The competent authority or other authorities of the Member State, without prejudice to the system and legal provisions of the Member State, shall ensure that individual objects or constructions are marked and/or lighted, as appropriate, taking into account the impact of the object on the safety of aircraft operations around the aerodrome and in accordance with the Certification Specifications issued harmonizing with the marking and lighting of obstacles specifications defined in the Certification Basis notified by the competent authority. [...]"

* The obstacles to be marked and/or lighted are determined via AMC1-ADR-AR.C.065(b);(c) — Obstacles — Objects (pages 42-43) whose title is to be changed to delete "(c)" which has been deleted since it deal with objects beyond the OLS, and figures 1 and 2.

The lighting of objects is determined via AMC1-ADR-AR.C.065(b) "LIGHTING OF OBJECTS OUTSIDE THE AREA CONTROLLED BY THE AERODROME OPERATOR" and in table 2. This AMC should yet be re-numbered to AMC2-ADR-AR.C.065(b).

But the actual rules in Part AR don't provide for the determination of the marking of objects outside the boundaries of the aerodrome. Thus DGAC proposes to add an AMC including the specifications for the marking of objects that are in the actual CS-ADR-DSN.Q.845 — Marking of objects (p148-149 of Book III of the NPA). Figure Q-1 of book III is also needed and added as "Figure 3" (see below) as figures 1 and 2 already exist in book I.

AMC1-ADR-AR.C.065(b);(c) — Obstacles — Objects

"OBSTACLES INSIDE THE OBSTACLE LIMITATION SURFACES AND OUTSIDE THE AERODROME..."

AMC2-ADR-AR.C.065(b) — Obstacles — Objects

"LIGHTING OF OBJECTS OUTSIDE THE AREA CONTROLLED BY THE AERODROME OPERATOR..."

AMC3-ADR-AR.C.065(b) — Obstacles — Objects

"(a) All fixed objects to be marked should, whenever practicable, be coloured, but, if this is not practicable, markers or flags should be displayed on or above them, except that objects that are sufficiently conspicuous by their shape, size or colour need not be otherwise marked.

(b) Use of colours

(1) An object should be coloured to show a chequered pattern if it has essentially unbroken surfaces and its projection on any vertical plane equals or exceeds 4.5 m in both dimensions. The pattern should consist of rectangles of not less than 1.5 m and not more than 3 m on a side, the corners being of the darker colour. The colours of the pattern should contrast each with the other and with the background against which they will be seen.

(2) An object should be coloured to show alternating contrasting bands if:
(i) it has essentially unbroken surfaces and has one dimension, horizontal or vertical, greater than 1.5 m, and the other dimension, horizontal or vertical, less than 4.5m; or

(ii) it is of skeletal type with either a vertical or a horizontal dimension

greater than 1.5m.

(3) The bands should be perpendicular to the longest dimension and have a width approximately 1/7 of the longest dimension or 30 m, whichever is less. The colours of the bands should contrast with the background against which they will be seen. Orange and white should be used, except where such colours are not conspicuous when viewed against the background. The bands on the extremities of the object should be of the darker colour, see Figures 1 and 3.

(4) An object should be coloured in a single conspicuous colour if its projection on any vertical plane has both dimensions less than 1.5 m. Orange or red should be used, except where such colours merge with the background.

(c) Use of markers:

(1) Markers displayed on or adjacent to objects should be located in conspicuous positions so as to retain the general definition of the object and should be recognisable in clear weather from a distance of at least 1 000 m for an object to be viewed from the air and 300 m for an object to be viewed from the ground in all directions in which an aircraft is likely to approach the object. The shape of markers should be distinctive to the extent necessary to ensure that they are not mistaken for markers employed to convey other information, and they should be such that the hazard presented by the object they mark is not increased.

(2) Marker displayed on an overhead wire, cable, etc., should be spherical and have a diameter of not less than 60 cm.

(3) The spacing between two consecutive markers or between a marker and a supporting tower should be appropriate to the diameter of the marker. The spacing should normally not exceed 30 m where the marker diameter is 60 cm, increasing progressively with increase of the marker diameter to:

(A) 35 m where the marker diameter is 80 cm; and

(B) further progressive increases to a maximum of 40 m where the marker diameter is of at least 130 cm.

Where multiple wires, cables, etc., are involved, a marker should be located not lower than the level of the highest wire at the point marked.

(4) A marker should be of one colour. When installed, white and red, or white and orange markers should be displayed alternately. The colour selected should contrast with the background against which it will be seen.

(d) Use of flags

(1) Flags used to mark objects should be displayed around, on top of, or around the highest edge of, the object. When flags are used to mark extensive objects or groups of closely spaced objects, they should be displayed at least every 15 m. Flags should not increase the hazard presented by the object they mark.

(2) Flags used to mark fixed objects should not be less than 0.6 m square.

(3) Flags used to mark fixed objects should be orange in colour or a combination of two triangular sections, one orange and the other white, or one red and the other white, except that where such colours merge with the background, other conspicuous colours should be used.

Figure 3"

response

Noted

ADR.AR.C.065 (b) will be removed.
AMCs to ADR.AR.C.065 will be removed.

comment	<p>1341 comment by: <i>Federal Office of Civil Aviation FOCA</i></p>
	<p>EASA should rethink the criteria for OBST as the scope of the NPA is limited to aerodromes with specific characteristics. Therefore, EASA criteria for obstacle limitation should only cover the aerodrome perimeter. Please reformulate the wording in a way it covers the aerodrome perimeter only. The remaining issues should remain in the scope of ICAO. Moreover, it's questionable to have CS for objects which are located outside of the aerodrome boundary as it is not applicable to the ADR regulation and will cause confusion with ICAO SARPs.</p>
response	<p><i>Accepted</i></p> <p>Requirements for dealing with obstacles in the aerodrome surroundings will be revised in order to be in line with the scope of the Basic Regulation. Article ADR.AR.C.065 will be removed.</p>
comment	<p>1418 comment by: <i>Belgian CAA</i></p>
	<p>It can be unclear in this article that the competent authority is not the civil aviation authority. It would be better to mention this explicitly.</p>
response	<p><i>Noted</i></p> <p>Provisions will be addressed to Member State in final rules who will be responsible for allocation tasks within the Member State.</p>
comment	<p>1499 comment by: <i>Aberdeen Airport Airside Operations</i></p>
	<p>(a) (2) Comment - "shall not permit..... extensions" is very precise - there may be occasions when a small increase in height can be tolerated. For example when high ground infringes, this would mean a fence could not be placed on the ground if that increased the height. This may be in a very low risk area of the protected surfaces. In practice this seems too onerous.</p>
response	<p><i>Noted</i></p> <p>Paragraph (a)(2) will be removed.</p>
comment	<p>1623 comment by: <i>MST / STR - Stuttgart Airport</i></p>
	<ul style="list-style-type: none"> • The Scope of the BR and the NPA are only aerodromes with certain conditions. • Therefore, the provisions should concentrate on the aerodrome perimeters exclusively. • For this area CAAs and the airport operators have the necessary competences, <u>which they do not have for the outside.</u> • Moreover, it seems disputable to create CSs for objects which are located outside the aerodrome. In addition to these doubts, such an approach would be confusing with ICAO SARPs.

response

Accepted

Requirements for dealing with obstacles in the aerodrome surroundings will be revised in order to be in line with the scope of the Basic Regulation. Article ADR.AR.C.065 will be removed.

comment

1674

comment by: *Swedish Transport Agency*

ADR.AR.C.065 (b) The last part of the sentence, "in accordance with...etc." in ADR.AR.C.065 (b) on page 30 should be removed unless EASA is actually given the competency at this stage, to regulate how to mark obstacles beyond the limits of the obstacle limitation surfaces/aerodrome.

response

Accepted

Requirements for dealing with obstacles in the aerodrome surroundings will be revised in order to be in line with the scope of the Basic Regulation. Article ADR.AR.C.065 (b) will be removed.

comment

1677

comment by: *Swedish Transport Agency*

We do not agree to the wording in ADR.AR.C.065 (c) on page 30 because it requires an aeronautical study to be carried out for every obstacle above a certain height, and thus is more strict than the intent of Annex 14 paragraph 4.3.1 and more strict than the text suggested by ADR.001. We suggest to use the wording of Annex 14 paragraph 4.3.1 : "Arrangements should be made to enable the appropriate authority to be consulted concerning proposed construction beyond the limits of the obstacle limitation surfaces that extend above a height established by that authority, in order to permit an aeronautical study of the effect of such construction on the operation of aeroplanes."

response

Accepted

Article ADR.AR.C.065 (c) will be removed.

comment

1776

comment by: *UK CAA*

Page No: 30-31

Paragraph No: ADR.AR.C.065,.070,.075 and .080

Comment: These provisions impose duties on the competent authority which the UK CAA does not consider correctly reflect the provisions of Regulation (EC) No 216/2008 ("Basic EASA Regulation") , as also commented in respect to articles 8,9 and 10 of the draft Cover Regulation.

Justification: Safeguarding is not mentioned in the measures to be adopted under article 8a.5 of the Basic Regulation. Article 8a.3 makes it clear that it is for Member States and not the Commission to adopt the necessary measures for this. Article 8a.4 of the Basic Regulation specifically requires aerodrome operators to monitor activities for safeguarding purposes.

	<p>The implementing measures under the Basic Regulation should not therefore require the competent authority to carry out the activities set down in these provisions.</p> <p>Proposed Text: Delete ADR.AR.C.065, .070, .075 and .080.</p>
response	<p><i>Accepted</i></p> <p>Requirements ADR.AR.C.065 - 080 will be removed.</p>
comment	<p>1855 comment by: <i>Stansted Airport</i></p> <p>ADR.AR.C.065(a)(2)</p> <p>Comment</p> <p>"shall not permit ...extensions" is very precise – there may be occasions when a small increase in height can be tolerated. For example where high ground infringes, this would mean a fence could not be placed on the ground if that increased the height. This may be in a very low risk area of the protected surfaces. In practice this seems too onerous.</p>
response	<p><i>Noted</i></p> <p>Paragraph (a)(2) will be removed.</p>
comment	<p>1935 comment by: <i>Birmingham Airport - BHX/EGBB</i></p> <p>ADR.AC.C.065 Much of this function (safeguarding) surely rests with the Aerodrome Operator; The competent authority is often hundreds of kilometres from the aerodrome and cannot be expected to have the same level of local knowledge as the aerodrome operator - essential for making good, well informed decisions. Placing the safeguarding responsibility onto the competent authority rather than the aerodrome operator is likely to increase the number of poor decisions due to lack of local knowledge and drive up costs for the aerodrome operator through higher charges.</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with obstacles in the aerodrome surroundings will be revised and addressed to Member state who will decide on particular responsibilities.</p> <p>Article ADR.AR.C.065 will be removed.</p>
comment	<p>1997 comment by: <i>ENAC Ente Nazionale per l'Aviazione Civile</i></p> <p>Provide a definition of "aerodrome surroundings" that encompasses its limits taking into account what has been proposed with reference to aerodrome operator monitoring responsibilities in AMC1-ADR-OPS.B.075 (b)</p>
response	<p><i>Noted</i></p> <p>As different size may be considered as "surroundings" for different activities which should be monitored and is also subject to local conditions, "aerodrome surroundings" will not be defined.</p>

comment	<p>2027 comment by: <i>Airport Operators Association</i></p> <p>ADR.AR.C.065(a)(2) This provision could be quite onerous. The words "shall not permit ...extensions" is very precise and lacking in any possible flexibility. We believe that there may be occasions when a small increase in height can be tolerated e.g. where high ground infringes, this would mean a fence could not be placed on the ground if that increased the height. This may be in a very low risk area of the protected surfaces. As such some latitude should be permissible.</p>
response	<p><i>Noted</i></p> <p>Paragraph (a)(2) will be removed.</p>
comment	<p>2123 comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i></p> <p>Within the scope of the Basic Regulation and the NPA are only aerodromes with certain conditions. Therefore, the provisions should concentrate on the aerodrome perimeters exclusively. For this area CAAs and the airport operators have the necessary competences which they do not have for the outside.</p>
response	<p><i>Accepted</i></p> <p>Requirements for dealing with obstacles in the aerodrome surroundings will revised in order to be in line with the scope of the Basic Regulation. Article ADR.AR.C.065 will be removed.</p>
comment	<p>2563 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i></p> <p>The safeguarding of aerodromes is at the limit between the civil aviation competency and the land use planning competency which both may be shared with local authorities with varying splits according to the States. It is then essential to provide enough flexibility so that the Member State can establish a mechanism to manage the surroundings of the aerodrome that can fit its system and legal provisions.</p> <p>This can be done by referring to other authorities of the Member State instead of the competent authority, and by indicating that the control of obstacles is done "without prejudice to the system and legal provisions of the Member State". This is a critical point.</p> <p>This can be analyzed in the following:</p> <ul style="list-style-type: none"> - ADR.AR.C.065 – Obstacles-Objects ADR.AR.C.070 – Confusing, misleading and hazardous lights REV ADR.AR.C.075 – Protection of communication, navigation and surveillance systems ADR.AR.C.080 – Other activities <p>Paragraph 2 of Article 8, Paragraph (c) of ADR.AR.C.065 and AMC1-ADR-AR.C.065 (b);(c) (page 41) deal with areas <u>beyond</u> the obstacle limitation surfaces which is <u>out of the scope of application of Implementing Rules for aerodromes</u> as it is part of the airspace regulation (obstacles beyond the OLS are ATM matters). Thus DGAC proposes to delete them.</p> <p>Article 8 – Obstacles – Objects</p>

~~"[...]2. Member States shall ensure that the competent authority is consulted with regard to proposed constructions beyond the limits of the obstacle limitation surfaces, established by the competent authority in accordance with this Regulation, and which extend above a height established by that authority."~~

ADR.AR.C.065 – Obstacles-Objects

~~"[...] (c) The competent authority shall ensure that an aeronautical study is conducted to determine the effect on the operation of aircraft by constructions, beyond the limits of the obstacle limitation surfaces, established in accordance with paragraph (a), and which extend above a height established by that authority.~~

~~In areas beyond the limits of the obstacle limitation surfaces, at least those objects which extend to a height of 150 m or more above ground elevation shall be regarded as obstacles, unless an aeronautical study indicates that they do not constitute a hazard to aircraft."~~

~~**AMC1 ADR.AR.C.065 (b);(c) – Obstacles – Objects "OBSTACLES BEYOND THE OBSTACLE LIMITATION SURFACES"**~~

* Within the boundaries of the aerodrome, marking and/or lighting of obstacles are the aerodrome operator's task and not the competent authority's one, and are dealt with in the certification basis of the aerodrome. All the requirements for making and/or lighting of obstacles within the boundaries of the aerodrome are in book III - *certification specifications* only. Thus, ADR.AR.C.065 and the corresponding AMCs and GMs are applicable to objects outside the boundaries of the aerodrome only.

In this context, outside the boundaries of the aerodrome, the rules are to be harmonized with the rules defined in the certification basis of the aerodrome.

Moreover, it is essential to take into account the need for flexibility since the marking and lighting may differ from the standard certification specifications according to local condition (marking and lighting of obstacles is often determined on a case by case basis since it strongly depends on local conditions). That's why it is proposed to indicate in ADR.AR.C.065 that the impact of the object on the safety of aircraft operations around the aerodrome has to be taken into account.

In addition to that, it is essential to limit the application of the rules of part AR to the areas protected by the obstacle limitation surfaces established in the certification basis of the aerodrome. The objects beyond the OLS are ATM matters only.

Thus ADR.AR.C.065 and the corresponding AMCs are applicable to objects outside the boundaries of the aerodrome and inside the areas protected by the obstacle limitation surfaces defined in the certification basis of the aerodrome (see proposed paragraph (b) of ADR.AR.C.065 below).

* Concerning the competency for the control of obstacles outside the aerodrome boundaries, neither the aerodrome operator nor the competent authority has the legal power to make marking and/or lighting requirements mandatory to third parties: only the Member State has the legal power. This point is critical and can be solved through two possibilities:

- either by referring to the Member State instead of the competent authority,
- or by indicating that the control of obstacles is done by the competent authority without prejudice to the system and legal provisions of the Member State (see proposed paragraph (b) of ADR.AR.C.065 below).

ADR.AR.C.065 – Obstacles-Objects

"[...] (b) outside the boundaries of the aerodrome and within the areas protected by the obstacle limitation surfaces defined in the certification basis of the aerodrome, The competent authority or other authorities of the Member State, without prejudice to the system and legal provisions of the Member State, shall ensure that individual objects or constructions are marked and/or lighted, as appropriate, taking into account the impact of the object on the safety of aircraft operations around the aerodrome and ~~in accordance with the Certification Specifications issued harmonizing with the marking and lighting of obstacles specifications defined in the Certification Basis notified by the competent authority. [...]"~~

response *Partially accepted*

With regard to Article 8(2) - requirements for dealing with obstacles will be revised in order to be in line with Basic regulation.
With regard to ADR.AR.C.065 (b),(c) and AMC1-ADR.C.065(b)(c) - articles will be deleted.

comment 2611 comment by: *Infratil Airports Europe Ltd*

Page No: 30

Paragraph No: ADR.AR.C.065

Comment: This does not take into account protection of airport navigational systems, in particular, radar systems. There requires to be a rule added at the IR level to ensure that the authority lay down rules for planning applications to ensure that air safety is not compromised by new or alterations to existing obstructions, in particular, wind turbines.

response *Noted*

comment 2612 comment by: *Infratil Airports Europe Ltd*

Page No: 30

Paragraph No: ADR.AR.C.065(a)(2)

Comment: "shall not permit ...extensions" is very precise – there may be occasions when a small increase in height can be tolerated. For example where high ground infringes, this would mean a fence could not be placed on the ground if that increased the height. This may be in a very low risk area of the protected surfaces. In practice this seems too onerous. Especially where existing objects already are significant infringements.

response *Noted*

Paragraph (a)(2) will be removed.

comment 2644 comment by: *Infratil Airports Europe Ltd*

Page No:

	<p>Paragraph No: ADR.AR.C.065</p> <p>Comment Better wording, already used by ICAO. Replace "surrounding" with "vicinity" as is used in articles 9 & 10 and in ADR.AR.C.060</p>			
response	<p><i>Not accepted</i></p> <p>The term "surroundings" is used to be in line with the Basic regulation terminology..</p>			
comment	<p>2663 comment by: <i>HIA - Highlands and Islands Airports Limited</i></p> <p>C.065(a) (2) - Shall not permit new objects or extension to existing objects – This is too restrictive particularly if low risk.</p> <p>Suggest change to <i>may in certain circumstances may permit</i></p>			
response	<p><i>Noted</i></p> <p>Paragraph (a)(2) will be removed.</p>			
comment	<p>2698 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i></p> <table border="1"> <tr> <td>ADR.AR.C.065(a)(2)</td> <td>Comment</td> <td>"shall not permit ...extensions" is very precise – there may be occasions when a small increase in height can be tolerated. For example where high ground infringes, this would mean a fence could not be placed on the ground if that increased the height. This may be in a very low risk area of the protected surfaces. In practice this seems too onerous.</td> </tr> </table>	ADR.AR.C.065(a)(2)	Comment	"shall not permit ...extensions" is very precise – there may be occasions when a small increase in height can be tolerated. For example where high ground infringes, this would mean a fence could not be placed on the ground if that increased the height. This may be in a very low risk area of the protected surfaces. In practice this seems too onerous.
ADR.AR.C.065(a)(2)	Comment	"shall not permit ...extensions" is very precise – there may be occasions when a small increase in height can be tolerated. For example where high ground infringes, this would mean a fence could not be placed on the ground if that increased the height. This may be in a very low risk area of the protected surfaces. In practice this seems too onerous.		
response	<p><i>Noted</i></p> <p>Paragraph (a)(2) will be removed.</p>			
comment	<p>3023 comment by: <i>DAA Cork Airport</i></p> <p>There may be occasions whereby a small increase in height can be safely tolerated. For example, where high ground infringes, this would mean that a fence could not be placed if that increased the height and this may be in a very low risk area of the protected surfaces. In practice, this statement seems too prescriptive.</p>			
response	<p><i>Noted</i></p> <p>Paragraph (a)(2) will be removed.</p>			
comment	<p>3082 comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i></p> <p>Within the scope of the Basic Regulation and the NPA are only aerodromes with certain conditions. Therefore, the provisions should concentrate on the aerodrome perimeters exclusively. For this area CAAs and the airport</p>			

	operators have the necessary competences which they do not have for the outside.
response	<p><i>Accepted</i></p> <p>Requirements for dealing with obstacles in the aerodrome surroundings will revised in order to be in line with the scope of the Basic Regulation. Article ADR.AR.C.065 will be removed.</p>
comment	<p>3126 comment by: <i>Isavia</i></p> <p>We do not agree to the wording in ADR.AR.C.065 (c) on page 30 because it requires an aeronautical study to be carried out for every obstacle above a certain height, and thus is stricter than the intent of Annex 14 paragraph 4.3.1 and stricter than the text suggested by ADR.001.</p> <p>We suggest to use the wording of Annex 14 paragraph 4.3.1 : "Arrangements should be made to enable the appropriate authority to be consulted concerning proposed construction beyond the limits of the obstacle limitation surfaces that extend above a height established by that authority, in order to permit an aeronautical study of the effect of such construction on the operation of airplanes."</p>
response	<p><i>Accepted</i></p> <p>Article ADR.AR.C.065 (c) will be removed.</p>
comment	<p>3174 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i></p> <p>EASA should rethink the criteria for OBST as the scope of the NPA ist only aerodromes with certain characteristics. Therefore, EASA criteria for obstacle limitation should only cover the aerodrome perimeter. All the rest should remain in the scope of ICAO.</p>
response	<p><i>Accepted</i></p> <p>Requirements for dealing with obstacles in the aerodrome surroundings will revised in order to be in line with the scope of the Basic Regulation. Article ADR.AR.C.065 will be removed.</p>
comment	<p>3251 comment by: <i>London Biggin Hill Airport</i></p> <p>ADR.AR.C.065(a)(2)</p> <p>The wording "shall not permit ...extensions" is very precise – there may be occasions when a small increase in height can be tolerated. For example where high ground infringes, this would mean a fence could not be placed on the ground if that increased the height. This may be in a very low risk area of the protected surfaces. In practice this seems too onerous.</p>
response	<p><i>Noted</i></p> <p>Paragraph (a)(2) will be removed.</p>

comment	3285	comment by: <i>Danish Transport Authority</i>
	Paragraph (a) (2) : The "general" proposal of not permitting any new objects or extensions to existing objects to protect the surfaces will be strict in regard to the proposed requirements and ICAO Annex 14. It is possible to infringe some surfaces, but with conditions of compensating measures. Also the possibility of using snow fences near runways will be restricted.	
response	<i>Noted</i> Paragraph (a)(2) will be removed.	
comment	3310	comment by: <i>Southampton Airport</i>
	Under (a) 2 - "shall not permit extensions" to existing objects is very precise. In practice, it may be reasonable for a small penetration to exist. An example would be the construction of a fence on ground that already infringes the surface.	
response	<i>Noted</i> Paragraph (a)(2) will be removed.	

ANNEX I - Part AR - ADR.AR.C.070 – Confusing, misleading and hazardous lights

p. 30

comment	238	comment by: <i>KLM</i>
	Change proposal: Laser lighting at aircraft has to be made a criminal act to protect the safety of flights everywhere and not only in a protective zone around the airport.	
response	<i>Noted</i> The proposed provision is limited by scope of the Basic Regulation.	
comment	439	comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i>
	Comment to b) As a general rule, competent authorities do not have the legal power to declare protective zones.	
response	<i>Accepted</i> Requirements for dealing with hazardous, confusing and misleading lights will be addressed to Member State. Paragraph (b) will be deleted.	
comment	1008 ❖	comment by: <i>DGAC Direction Générale de l'aviation civile</i>
	<u>1. Affected paragraphs</u>	

- Draft Commission Regulation - Article 3 – Oversight capabilities - paragraph 1 (p10)
- ANNEX I – Part-AR - ADR.AR.B.005(c) – Management System (p20)
- ANNEX I - Part-AR - ADR.AR.C.065 – Obstacles-Objects (p30)
- ANNEX I - Part-AR - ADR.AR.C.070 – confusing, misleading and hazardous lights (p30)
- ANNEX I - Part-AR - ADR.AR.C.075 – Protection of communication, navigation and surveillance systems (p30-31)
- ANNEX I - Part-AR - ADR.AR.C.080 – Other activities (p31)
- ANNEX I - Part-AR - ADR.AR.C.065 – Obstacles-Objects (c) (p30)
- AMC/GM to ANNEX I – Part-AR – AMC1-ADR.AR.B.005(c) – Management System (p13)
- AMC-GM to Annex I – AMC2-ADR-AR.C.065 (b) – Obstacles – Objects – wind turbines (p51)
- AMC-GM to Annex I – AMC1-ADR-AR.C.070(a) – confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I – AMC2-ADR-AR.C.070(a) – Confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I – AMC1-ADR-AR.C.070(b) – Confusing, misleading and hazardous lights (p53)
- AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) – Obstacles – Objects (p38)
- AMC/GM to ANNEX I – Part-AR - AMC1-ADR-AR.C.060(b) – Wildlife hazard management – MITIGATING MEASURES (page 37)
- CS-ADR - Book 1 - CS-ADR-DSN.A.002 – Definitions – ‘clearway’ (p5)

2. Justification and proposed text / comment

This comment is linked with comment 789 in book II and comment 591 in book III

This comment is **critical** as the rules, as written presently, can not be applied in the French system, linked with the definition of “competent authority” and its related obligations. This comment is linked to the issue on responsibility (see proposal for adding Article 2bis in the Cover regulation).

This comment aims to inform EASA on how the French DGAC understands the notion of “competent authority”, and also to list the rules which can not be applied for such competent authority.

France understands the competent authority is the civil aviation authority in charge of the oversight of the aerodrome operator for the tasks mentioned in its aerodrome certificate.

To explain our comment: In France, there are regions, and representatives from the States in these regions (“préfet” in French). The local representative from the State has some responsibilities, particularly for land planning use. For example, this representative is competent on land use matters to apply the obstacle limitation surfaces and to edict rules on policy on aerodromes (e.g. defining the movement area or stating that people working on the aerodrome have to be trained). The “préfet” is not considered as a competent authority, as if he was, its services would have to respect all the rules which apply the competent authorities, in particular the obligation to have a SMS: this is not possible in the French system and it would be too complex, too expensive and not feasible considering the reduced resources.

This should be taken into account while writing the rules: it is proposed to clarify this point by distinguishing in the rules the "competent authorities" and the "other authorities". Moreover, security and local land use authorities are considered as "authorities" but shall not be "competent authorities" as requiring them to have a management system would be totally unfeasible.

However, coordination between these entities exists and can be made through several means. DGAC understands that coordination arrangements can be fulfilled by the mean of: protocols, legally defined coordination, or both entities being members of the government or the same State authorities.

DGAC France fully supports the use of the word "appropriate authority" in the definition of "clearway" in CS-ADR-DSN.A.002 (p5), which gives to France the flexibility we need.

It is proposed to clarify these points by:

- **modifying paragraph (c) of ADR.AR.B.005 as follows :**

"The competent authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance of other competent authorities/authorities of the Member State concerned.

- **replacing the 2 first sentences of AMC1-ADR.AR.B.005(c) by:**

« The coordination between the competent authority(ies) and the other authorities of the Member State should be formally documented, and should encompass, as deemed appropriate by the Member State, the following authorities :

*The competent authority should establish coordination arrangements with other **competent** authorities of the Member State. Such coordination arrangements should in particular include the following **competent** authorities ... »*

- **modifying the provisions on surroundings: ADR-AR.C.065, ADR-AR.C.070, ADR-AR.C.075, ADR-AR.C.080 and corresponding AMCs and GMs, and AMC1-ADR.AR.C.060(b) as proposed in specific DGAC's comments.**

response *Noted*

comment *1181* comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

Die zuständigen Luftfahrtbehörden haben in der Regel nicht die Befugnis, Schutzzonen festzulegen. Dies fällt in der Regel in die Zuständigkeit des Mitgliedsstaates.

As a general rule, competent authorities did not have the authorization to declare protective zones. Normaly this is in the competence of the member state.

response

Accepted

Requirements for dealing with hazardous, confusing and misleading lights will be addressed to Member State.
Paragraph (b) will be deleted.

comment

1248 ❖

comment by: *DGAC Direction Générale de l'aviation civile***1. Affected paragraphs**Cover regulation

- Draft Commission Regulation - Article 8 – Obstacles - Objects (p14)

Annexes to the cover regulation

- ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects (p30)
- ANNEX I - Part-AR - ADR.AR.C.070 — confusing, misleading and hazardous lights (p30)
- ANNEX I - Part-AR - ADR.AR.C.075 — Protection of communication, navigation and surveillance systems (p30-31)
- ANNEX I - Part-AR - ADR.AR.C.080 — Other activities (p31)
- Annex III - ADR-OPS.B.075 — Safeguarding of aerodromes (68)

AMC/GM to the IR

- AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p38)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065 — Obstacles (a) - Outer Horizontal Surface (p39)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065(a) — Obstacles - Elevation datum (p39)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles — Objects - Non instrument runways (p39)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles — Objects - non precision approach runways (p39-40)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065(a) — Obstacles — Objects -precision approach runways (p40)
- AMC-GM to Annex I - AMC3-ADR-AR.C.065(a) — Obstacles — Objects -runways meant for take-off (p40)
- AMC-GM to Annex I - AMC4-ADR-AR.C.065(a) — Obstacles — Objects - other objects (p41)
- AMC-GM to Annex I - AMC5-ADR-AR.C.065(a) — Obstacles — Objects - obstacle protection surface for visual approach slope indicator systems (p41)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p41)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(b);(c) —Obstacles — Objects - (p42-43)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(b) — Obstacles — Objects (p43)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065 (b) — Obstacles — Objects - wind turbines (p51)
- AMC-GM to Annex I - AMC1-ADR-AR.C.070(a) — confusing, misleading and hazardous lights (p52)

- AMC-GM to Annex I - AMC2-ADR.AR.C.070(a) — Confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I - AMC1-ADR.AR.C.070(b) — Confusing, misleading and hazardous lights (p53)
- AMC-GM to Annex III - AMC1-ADR-OPS.B.075 — Safeguarding of aerodromes (p165-166)
- AMC-GM to Annex III - AMC2-ADR-OPS.B.075 — Obstacle restriction and removal (p166-169)
- AMC-GM to Annex III - AMC3-ADR-OPS.075 — Marking and lighting of obstacles (p169-170)
- AMC-GM to Annex III - AMC4-ADR-OPS.B.075 — Obstacles that extends above a take-off climb surface (p170)
- AMC-GM to Annex III - AMC5-ADR-OPS.B.075 — Objects, other than obstacles, adjacent to a take-off climb Surface (p170-171)
- AMC-GM to Annex III - AMC6-ADR-OPS.B.075 — Obstacles that extends above an approach or transitional Surface (p171)
- AMC-GM to Annex III - AMC7-ADR-OPS.B.075 — Fixed obstacles above a horizontal surface (p171)
- AMC-GM to Annex III - AMC8-ADR-OPS.B.075 — Marking of objects (p172)
- AMC-GM to Annex III - AMC9-ADR-OPS.B.075 — Location of obstacle lights (p172)

2. Justification and proposed text / comment

This comment is linked with comment 1015 in book II.

(A) The safeguarding of aerodromes is at the limit between the civil aviation competency and the land use planning competency which both may be shared with local authorities with varying splits according to the States. It is then essential to provide enough flexibility so that the Member State can establish a mechanism to manage the surroundings of the aerodrome that can fit its system and legal provisions.

This can be done by referring to other authorities of the Member State instead of the competent authority, and by indicating that the control of obstacles is done "without prejudice to the system and legal provisions of the Member State". This is a critical point for DGAC.

Note: in addition to that, OLS may expand in more than one State (Basle, Geneva, Fontarabie) and the legal context may be utterly complex.

Thus the need to modify the wording of the following provisions:

- Paragraphs (a)(2) and (a)(3) of ADR.AR.C.065 — Obstacles-Objects

"(a) The competent authority *or other authorities of the Member State shall:*

[...]

(2) *not permit new objects or extensions to existing objects, remove objects or otherwise protect the surfaces and areas established in accordance with (a)(1), as appropriate, without prejudice to the system and legal provisions of the Member State;*

(3) *not permit developments which may endanger safety due to obstacle-induced turbulence, without prejudice to the system and legal provisions of the Member State.*

- ADR.AR.C.070 — Confusing, misleading and hazardous lights REV

"(a) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall ensure that sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are extinguished, screened, or modified, or are subject to any other action required in the interest of safety.

(b) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall establish protective zones around aerodromes to protect the safety of aircraft against the hazardous effects of laser emitters."

- **ADR.AR.C.075 – Protection of communication, navigation and surveillance systems**

"The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall:

(a) establish protection areas for each aeronautical communications, navigation and surveillance system;

(b) not permit, or shall modify or otherwise mitigate sources of non-visible radiation or the presence of moving or fixed objects that may interfere with, or adversely affect, the performance of the systems mentioned in subparagraph (a)."

- **ADR.AR.C.080 – Other activities**

"The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated."

- **Paragraphs (c)(3), (c)(4)(i) and (d) of AMC2-ADR-AR.C.065 (b) – Obstacles - Objects**

"WIND TØURBINES

[...] (c) Lighting – day use [...]

(3) Where the highest point of the blade on the vertical position exceeds 150 m above ground level, high-intensity white lights should be prescribed by the competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, if medium intensity lights are deemed insufficient.

(4) Obstacle lights should be installed on the nacelle in such a manner as to provide an unobstructed view for aircraft approaching them from any direction.

(i) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels.

(ii)[...]

(d) Lighting – night use

(1) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe medium-intensity flashing red lights instead of white lights. [...]

(2) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels if it is deemed necessary; these lights should be low-intensity fixed red lights Type A or Type B. The wind turbine rotor should not shield lights on intermediate levels.

[...]"

- **Paragraph (b) of AMC1-ADR.AR.C.070(a) – Confusing, misleading and hazardous lights**

"LIGHTS THAT MAY ENDANGER THE SAFETY OF AIRCRAFT

[...]

(b) The competent authority should have as appropriate arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, in order to achieve (a) above."

- **Paragraph (b) of AMC2-ADR.AR.C.070(a) – Confusing, misleading and hazardous lights**

"LIGHTS WHICH MAY CAUSE CONFUSION

[...]

(b) Arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in place, as appropriate, to achieve (a) above."

- **Paragraph (a) of AMC1-ADR.AR.C.070 (b) – Confusing, misleading and hazardous lights**

"LASER EMISSIONS WHICH MAY ENDANGER SAFETY

(a) The competent authority should ensure that the following protected zones are established and implemented around an aerodrome and that appropriate arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in place, in order to protect the safety of aircraft against the hazardous effects of laser emitters:
[...]"

(B) The control of surroundings is dealt with through two tiers:

- the aerodrome operator's monitoring, within the limit of its responsibilities, and through its notified certification basis and
- the Member States' mechanisms established for such purpose.

Consequently, the following principles are to be pursued in the proposed implementing rules and proposed certification specifications:

1. The requirements for the authority in part AR should take into account the fact that the control of obstacles is strongly linked to the land use planning laws, thus all that can be expected from the Member State is the establishment of a mechanism to safeguard the surroundings of the aerodromes. This is done case by case for each aerodrome, so it is essential to provide enough flexibility in these rules to allow necessary arrangements to fit to each aerodrome environment and context. The logic understood by DGAC is that authorities establish surfaces relying on what is notified in the certification basis of the aerodrome, but with some adaptations for instance to take into account future developments of the aerodrome.
2. The requirements for the aerodrome operator on that subject should be in the book of certification specifications only, and should not be duplicated in the part OPS. Moreover, it is essential that these requirements take into account the fact that outside the boundaries of the aerodrome, the aerodrome operator has absolutely no legal power to control obstacles. All that can be expected from the aerodrome operator outside its boundaries is the establishment of OLS, which the aerodrome operator should

propose to the competent authority in accordance with AMC1-ADR.OR.B.015(b)(1);(2);(3), and their oversight within its line of sight.

The first principle leads to review the part AR corresponding to the article 8 of the cover regulation, in particular ADR-AR.C.065 and corresponding AMCs and GMs. Comments for each provision have been done in the specific DGAC's comments.

The second principle leads to delete from the part OPS all the provisions related to the monitoring of the surroundings and related to the limitation and marking and/or lighting of obstacles.

Indeed, AMC/GM Part OPS should only reflect the Essential Requirements stated in Section B.1(b) of Annex Va, which specifies that "*the aerodrome operator shall verify that the requirements of Section A are complied with at all times or take appropriate measures to mitigate the risks associated with non-compliance. Procedures shall be established and applied to make all users aware of such measures in a timely manner*". Thus the rules stated by Part OPS need only to impose the fact that the aerodrome operator shall have procedures in place for mitigating the risks associated with obstacles and other activities within the monitored areas that could impact safety.

DGAC proposes the following modifications of ADR-OPS.B.075 and AMC1-ADR-OPS.B.075, and to delete the all other corresponding AMCs and GMs, given the fact that all of them are already dealt with in the book of certification specifications.

Note: it is proposed to delete (a)(3) of ADR-OPS.B.075 because already covered by paragraph (b) and confusing given the fact that the aerodrome has no legal power on the areas outside its boundaries.

ADR-OPS.B.075 – Safeguarding of aerodromes

"(a) The aerodrome operator shall have procedures to monitor on the aerodrome and surroundings within the areas defined in coordination with the competent authority:

(1) obstacle limitation surface and protection surfaces of navigation aids as established in accordance with the Certification Basis of the aerodrome in order to take appropriate action to mitigate the risk associated with regard to their penetration of by obstacle limitation surfaces or other safeguarding surfaces;

(2) marking and lighting of obstacles in accordance with the Certification Basis of the aerodrome in order to be able to take action as appropriate;

(3) hazards related to human activities and land use in order to take action as appropriate.

(b) The aerodrome operator shall have procedures in place, without prejudice to the system and legal provisions of the member State, for mitigating the risks associated with obstacles, developments and other activities within the monitored areas that could impact safe operations of aircraft operating at, to or from the aerodrome."

AMC1-ADR-OPS.B.075 – Safeguarding of aerodromes (p165-166)

"(a) The aerodrome operator should have procedures to monitor the changes in the obstacle environment, marking and lighting and in human activities or land use on the aerodrome and its surroundings areas defined in coordination with the competent authority. The scope, limits, tasks and responsibilities for the monitoring should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.

(b) The limits of the aerodrome surroundings that should be monitored by

the aerodrome operator are defined in coordination with the competent authority and should include the areas that can be visually monitored during the inspections of the manoeuvring area.

(c) The aerodrome operator should have procedures to mitigate the risks associated with changes on the aerodrome and its surroundings identified with the monitoring procedures. The scope, limits, tasks and responsibilities for the mitigation of risks associated to obstacles or hazards outside the perimeter fence of the aerodrome should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.

~~(d) The risks caused by human activities and land use which should be assessed and mitigated should include:~~

~~(1) obstacles and the possibility of induced turbulence;~~

~~(2) the use of hazardous, confusing and misleading lights;~~

~~(3) the dazzling caused by large and highly reflective surfaces;~~

~~(4) sources of non-visible radiation or the presence of moving or fixed objects which may interfere with, or adversely affect, the performance of aeronautical communications, navigation and surveillance systems;~~

~~(5) non-aeronautical ground light near an aerodrome which may endanger the safety of aircraft and which should be extinguished, screened or otherwise modified so as to eliminate the source of danger."~~

~~AMC2 ADR OPS.B.075 — Obstacle restriction and removal (p166-169)~~

Note: these provisions are already dealt with in:

- CS-ADR-DSN.B.165 — Objects on runway strips (p18),
- CS-ADR-DSN.B.170 — Non-precision approach and non-instrument runway strips (p19),
- CS-ADR-DSN.J.475 — Non-precision approach runways (p45),
- CS-ADR-DSN.J.480 — Precision approach runways (p46),
- CS-ADR-DSN.J.485 — Runways meant for take-off (p47),
- CS-ADR-DSN.T.915 - Siting of equipment and installations on operational areas (p167)

~~AMC3 ADR OPS.B.075 — Marking and lighting of obstacles (p169-170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC4 ADR OPS.B.075 — Obstacles that extends above a take off climb surface (p170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC5 ADR OPS.B.075 — Objects, other than obstacles, adjacent to a take off climb Surface (p170-171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC6 ADR OPS.B.075 — Obstacles that extends above an approach or transitional Surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146).

~~AMC7 ADR OPS.B.075 — Fixed obstacles above a horizontal surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 – Objects to be marked and/or lighted (p146-147).

~~AMC8 ADR OPS.B.075 – Marking of objects (p172)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.845 – Marking of objects (p147).

~~AMC9 ADR OPS.B.075 – Location of obstacle lights (p172)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.850 – Lighting of objects (p150).

response

Noted

Requirements set in ADR.AR.C.065 -080 will be removed.

comment

1419

comment by: *Belgian CAA*

It can be unclear in this article that the competent authority is not the civil aviation authority. It would be better to mention this explicitly.

response

Noted

Provisions will be addressed to Member State in final rules who will be responsible for allocation tasks within the Member State.

comment

1956

comment by: *London Luton Airport Operations Ltd*

at (b) London Luton Airport Operations Ltd supports the inclusion of the matter to provide zones to protect from laser beams

response

Noted

comment

2568

comment by: *IATA*

ADR.AR.C.070 – Confusing, misleading and hazardous lights

Change proposal:

Laser lighting at aircraft has to be made a criminal act to protect the safety of flights everywhere and not only in a protective zone around the airport.

response

Noted

The proposed provision is limited by scope of the Basic Regulation.

comment

2664

comment by: *HIA - Highlands and Islands Airports Limited*

C.70. (b) Establishment of protective zones against laser - this is supported. However, how do we control them?

response

Noted

Structure of requirements dealing confusing, misleading and hazardous

lights will be revised. Paragraph (b) will be deleted.

comment	<p>3331 comment by: <i>AEA - Association of European Airlines</i></p> <p>ADR.AR.C.070 – Confusing, misleading and hazardous lights</p> <p>(a) The competent authority shall ensure that sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are extinguished, screened, or modified, or are subject to any other action required in the interest of safety.</p> <p>(b) The competent authority shall establish protective zones around aerodromes to protect the safety of aircraft against the hazardous effects of laser emitters.</p> <p>Comments</p> <p>Change proposal:</p> <p>Laser lighting at aircraft has to be made a criminal act to protect the safety of flights everywhere and not only in a protective zone around the airport.</p>
response	<p><i>Noted</i></p> <p>The proposed provision is limited by scope of the Basic Regulation.</p>

ANNEX I - Part AR - ADR.AR.C.075 – Protection of communication, navigation and surveillance systems

p. 30-31

comment	<p>75 comment by: <i>CAA Norway</i></p> <p>If paragraph ADR.AR.C.075 (b) on page 30 remains in this regulation (see comment to ADR.AR.C.065 (c) on page 30): The competent authority itself will not necessarily be the one to modify or mitigate, but rather be the one to ensure that this is done.</p>
response	<p><i>Accepted</i></p> <p>Requirements for dealing with Protection of communication, navigation and surveillance systems will be addressed to Member State. Paragraph ADR.AR.C.075 (b) will be removed.</p>
comment	<p>347 comment by: <i>Danish Transport Authority</i></p> <p>Protection areas can be around the equipment on airside or landside. AMC/GM should be made available. Protection areas on landside are covered in ICAO Annex 10 including useful guidance in "EUROPEAN GUIDANCE MATERIAL ON MANAGING BUILDING RESTRICTED AREAS", ICAO EUR DOC 015/2009. On airside it would be critical/sensitive areas and surface movement radar. Item (b): The competent authority itself would not necessarily be the one to modify or mitigate, but rather be the</p>

	one to ensure that this is done.
response	<i>Noted</i> Paragraph ADR.AR.C.075 (a) will be removed.
comment	498 <i>comment by: Icelandic Civil Aviation Administration</i> If paragraph ADR.AR.C.075 (b) on page 30 remains in this regulation (see comment to ADR.AR.C.065 (c) on page 30): The competent authority itself will not necessarily be the one to modify or mitigate, but rather be the one to ensure that this is done.
response	<i>Accepted</i> Requirements for dealing with Protection of communication, navigation and surveillance systems will be addressed to Member State.
comment	543 <i>comment by: Estonian CAA</i> If paragraph ADR.AR.C.075 (b) on page 30 remains in this regulation (see comment to ADR.AR.C.065 (c) on page 30): The competent authority itself will not necessarily be the one to modify or mitigate, but rather be the one to ensure that this is done.
response	<i>Accepted</i> Requirements for dealing with Protection of communication, navigation and surveillance systems will be addressed to Member State.
comment	743 <i>comment by: Finnish Transport Safety Agency</i> If paragraph ADR.AR.C.075 (b) on page 30 remains in this regulation (see comment to ADR.AR.C.065 (c) on page 30): The competent authority itself will not necessarily be the one to modify or mitigate, but rather be the one to ensure that this is done.
response	<i>Accepted</i> Requirements for dealing with Protection of communication, navigation and surveillance systems will be addressed to Member State.
comment	1008 ❖ <i>comment by: DGAC Direction Générale de l'aviation civile</i> <u>1. Affected paragraphs</u> <ul style="list-style-type: none"> • Draft Commission Regulation - Article 3 – Oversight capabilities - paragraph 1 (p10) • ANNEX I – Part-AR - ADR.AR.B.005(c) – Management System (p20) • ANNEX I - Part-AR - ADR.AR.C.065 – Obstacles-Objects (p30) • ANNEX I - Part-AR - ADR-AR.C.070 – confusing, misleading and hazardous lights (p30) • ANNEX I - Part-AR - ADR.AR.C.075 – Protection of communication, navigation and surveillance systems (p30-31) • ANNEX I - Part-AR - ADR.AR.C.080 – Other activities (p31)

- ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects (c) (p30)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.B.005(c) — Management System (p13)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065 (b) — Obstacles — Objects — wind turbines (p51)
- AMC-GM to Annex I - AMC1-ADR-AR.C.070(a) — confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I - AMC2-ADR-AR.C.070(a) — Confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I - AMC1-ADR-AR.C.070(b) — Confusing, misleading and hazardous lights (p53)
- AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p38)
- AMC/GM to ANNEX I — Part-AR - AMC1-ADR-AR.C.060(b) — Wildlife hazard management – MITIGATING MEASURES (page 37)
- CS-ADR - Book 1 - CS-ADR-DSN.A.002 – Definitions – ‘clearway’ (p5)

2. Justification and proposed text / comment

This comment is linked with comment 789 in book II and comment 591 in book III

This comment is **critical** as the rules, as written presently, can not be applied in the French system, linked with the definition of “competent authority” and its related obligations. This comment is linked to the issue on responsibility (see proposal for adding Article 2bis in the Cover regulation).

This comment aims to inform EASA on how the French DGAC understands the notion of “competent authority”, and also to list the rules which can not be applied for such competent authority.

France understands the competent authority is the civil aviation authority in charge of the oversight of the aerodrome operator for the tasks mentioned in its aerodrome certificate.

To explain our comment: In France, there are regions, and representatives from the States in these regions (“préfet” in French). The local representative from the State has some responsibilities, particularly for land planning use. For example, this representative is competent on land use matters to apply the obstacle limitation surfaces and to edict rules on policy on aerodromes (e.g. defining the movement area or stating that people working on the aerodrome have to be trained). The “préfet” is not considered as a competent authority, as if he was, its services would have to respect all the rules which apply the competent authorities, in particular the obligation to have a SMS: this is not possible in the French system and it would be too complex, too expensive and not feasible considering the reduced resources.

This should be taken into account while writing the rules: it is proposed to clarify this point by distinguishing in the rules the “competent authorities” and the “other authorities”. Moreover, security and local land use authorities are considered as “authorities” but shall not be “competent authorities” as requiring them to have a management system would be totally unfeasible.

However, coordination between these entities exists and can be made through several means. DGAC understands that coordination arrangements can be fulfilled by the mean of: protocols, legally defined coordination, or both entities being members of the government or the same State authorities.

DGAC France fully supports the use of the word "appropriate authority" in the definition of "clearway" in CS-ADR-DSN.A.002 (p5), which gives to France the flexibility we need.

It is proposed to clarify these points by:

- **modifying paragraph (c) of ADR.AR.B.005 as follows :**

"The competent authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance of other competent authorities/authorities of the Member State concerned.

- **replacing the 2 first sentences of AMC1-ADR.AR.B.005(c) by:**

« The coordination between the competent authority(ies) and the other authorities of the Member State should be formally documented, and should encompass, as deemed appropriate by the Member State, the following authorities :

*~~The competent authority should establish coordination arrangements with other **competent** authorities of the Member State. Such coordination arrangements should in particular include the following **competent** authorities ... »~~*

- **modifying the provisions on surroundings: ADR-AR.C.065, ADR-AR.C.070, ADR-AR.C.075, ADR-AR.C.080 and corresponding AMCs and GMs, and AMC1-ADR.AR.C.060(b) as proposed in specific DGAC's comments.**

response *Noted*

comment *1065* comment by: *NATS National Air Traffic Services Limited*
ADR.AR.C.075(a) - This Article appears to have a scope well beyond aerodromes. Is this appropriate?

response *Noted*

Paragraph ADR.AR.C.075 (a) will be removed.

comment *1073* comment by: *NATS National Air Traffic Services Limited*
ADR.AR.C.075(b) - 2 comments.

1. There is a second "shall" that confuses the actual requirement. Suggest only having one "shall" per sentence per rule.

2. The use of the term "subparagraph" is not consistent with the rest of the Rule structure. Suggest delete "subparagraph"

response *Accepted*

Nevertheless, article ADR.AR.C.075 will be removed.

comment	<p>1215 comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i></p> <p>Comment to a) Definition of "protection areas" is missing</p>
response	<p><i>Noted</i></p> <p>Paragraph ADR.AR.C.075 (a) will be removed.</p>

comment	<p>1248 ❖ comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u> <u>Cover regulation</u></p> <ul style="list-style-type: none"> • Draft Commission Regulation - Article 8 – Obstacles - Objects (p14) <p><u>Annexes to the cover regulation</u></p> <ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects (p30) • ANNEX I - Part-AR - ADR.AR.C.070 — confusing, misleading and hazardous lights (p30) • ANNEX I - Part-AR - ADR.AR.C.075 — Protection of communication, navigation and surveillance systems (p30-31) • ANNEX I - Part-AR - ADR.AR.C.080 — Other activities (p31) • Annex III - ADR-OPS.B.075 — Safeguarding of aerodromes (68) <p><u>AMC/GM to the IR</u></p> <ul style="list-style-type: none"> • AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p38) • AMC-GM to Annex I - AMC1-ADR-AR.C.065 — Obstacles (a) - Outer Horizontal Surface (p39) • AMC-GM to Annex I - AMC2-ADR-AR.C.065(a) — Obstacles - Elevation datum (p39) • AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles — Objects – Non instrument runways (p39) • AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles — Objects – non precision approach runways (p39-40) • AMC-GM to Annex I - AMC2-ADR-AR.C.065(a) — Obstacles — Objects –precision approach runways (p40) • AMC-GM to Annex I - AMC3-ADR-AR.C.065(a) — Obstacles — Objects –runways meant for take-off (p40) • AMC-GM to Annex I - AMC4-ADR-AR.C.065(a) — Obstacles — Objects – other objects (p41) • AMC-GM to Annex I - AMC5-ADR-AR.C.065(a) — Obstacles — Objects – obstacle protection surface for visual approach slope indicator systems (p41) • AMC-GM to Annex I - AMC1-ADR-AR.C.065 (b);(c) — Obstacles —
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 - AMC-GM to Annex III - AMC1-ADR-OPS.B.075 — Safeguarding of aerodromes (p165-166)
 - AMC-GM to Annex III - AMC2-ADR-OPS.B.075 — Obstacle restriction and removal (p166-169)
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 - AMC-GM to Annex III - AMC4-ADR-OPS.B.075 — Obstacles that extends above a take-off climb surface (p170)
 - AMC-GM to Annex III - AMC5-ADR-OPS.B.075 — Objects, other than obstacles, adjacent to a take-off climb Surface (p170-171)
 - AMC-GM to Annex III - AMC6-ADR-OPS.B.075 — Obstacles that extends above an approach or transitional Surface (p171)
 - AMC-GM to Annex III - AMC7-ADR-OPS.B.075 — Fixed obstacles above a horizontal surface (p171)
 - AMC-GM to Annex III - AMC8-ADR-OPS.B.075 — Marking of objects (p172)
 - AMC-GM to Annex III - AMC9-ADR-OPS.B.075 — Location of obstacle lights (p172)

2. Justification and proposed text / comment

This comment is linked with comment 1015 in book II.

(A) The safeguarding of aerodromes is at the limit between the civil aviation competency and the land use planning competency which both may be shared with local authorities with varying splits according to the States. It is then essential to provide enough flexibility so that the Member State can establish a mechanism to manage the surroundings of the aerodrome that can fit its system and legal provisions.

This can be done by referring to other authorities of the Member State instead of the competent authority, and by indicating that the control of obstacles is done "without prejudice to the system and legal provisions of the Member State". This is a critical point for DGAC.

Note: in addition to that, OLS may expand in more than one State (Basle, Geneva, Fontarabie) and the legal context may be utterly complex.

Thus the need to modify the wording of the following provisions:

- Paragraphs (a)(2) and (a)(3) of ADR.AR.C.065 — Obstacles-Objects

"(a) The competent authority *or other authorities of the Member State shall:*

[...]

(2) *not permit new objects or extensions to existing objects, remove*

objects or otherwise protect the surfaces and areas established in accordance with (a)(1), as appropriate, without prejudice to the system and legal provisions of the Member State;

(3) not permit developments which may endanger safety due to obstacle-induced turbulence, without prejudice to the system and legal provisions of the Member State.

- **ADR.AR.C.070 – Confusing, misleading and hazardous lights
REV**

"(a) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall ensure that sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are extinguished, screened, or modified, or are subject to any other action required in the interest of safety.

(b) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall establish protective zones around aerodromes to protect the safety of aircraft against the hazardous effects of laser emitters."

- **ADR.AR.C.075 – Protection of communication, navigation and surveillance systems**

"The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall:

(a) establish protection areas for each aeronautical communications, navigation and surveillance system;

(b) not permit, or shall modify or otherwise mitigate sources of non-visible radiation or the presence of moving or fixed objects that may interfere with, or adversely affect, the performance of the systems mentioned in subparagraph (a)."

- **ADR.AR.C.080 – Other activities**

"The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated."

- **Paragraphs (c)(3), (c)(4)(i) and (d) of AMC2-ADR-AR.C.065
(b) – Obstacles - Objects**

"WIND TØURBINES

[...] (c) Lighting – day use [...]

(3) Where the highest point of the blade on the vertical position exceeds 150 m above ground level, high-intensity white lights should be prescribed by the competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, if medium intensity lights are deemed insufficient.

(4) Obstacle lights should be installed on the nacelle in such a manner as to provide an unobstructed view for aircraft approaching them from any direction.

(i) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels.

(ii)[...]

(d) Lighting – night use

(1) The competent authority or other authorities of the Member State,

without prejudice to its system and legal provisions, should prescribe medium-intensity flashing red lights instead of white lights. [...]

(2) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels if it is deemed necessary; these lights should be low-intensity fixed red lights Type A or Type B. The wind turbine rotor should not shield lights on intermediate levels. [...]"

- **Paragraph (b) of AMC1-ADR.AR.C.070(a) — Confusing, misleading and hazardous lights**

"LIGHTS THAT MAY ENDANGER THE SAFETY OF AIRCRAFT

[...]

(b) The competent authority should have as appropriate arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, in order to achieve (a) above."

- **Paragraph (b) of AMC2-ADR.AR.C.070(a) — Confusing, misleading and hazardous lights**

"LIGHTS WHICH MAY CAUSE CONFUSION

[...]

(b) Arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in place, as appropriate, to achieve (a) above."

- **Paragraph (a) of AMC1-ADR.AR.C.070 (b) — Confusing, misleading and hazardous lights**

"LASER EMISSIONS WHICH MAY ENDANGER SAFETY

(a) The competent authority should ensure that the following protected zones are established and implemented around an aerodrome and that appropriate arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in place, in order to protect the safety of aircraft against the hazardous effects of laser emitters:

[...]"

(B) The control of surroundings is dealt with through two tiers:

- the aerodrome operator's monitoring, within the limit of its responsibilities, and through its notified certification basis and
- the Member States' mechanisms established for such purpose.

Consequently, the following principles are to be pursued in the proposed implementing rules and proposed certification specifications:

1. The requirements for the authority in part AR should take into account the fact that the control of obstacles is strongly linked to the land use planning laws, thus all that can be expected from the Member State is the establishment of a mechanism to safeguard the surroundings of the aerodromes. This is done case by case for each aerodrome, so it is essential to provide enough flexibility in these rules to allow necessary arrangements to fit to each aerodrome environment and context. The logic understood by DGAC is that authorities establish surfaces relying on what is notified in the certification basis of the aerodrome, but with some adaptations for instance to take into account future developments of the aerodrome.

2. The requirements for the aerodrome operator on that subject should be in the book of certification specifications only, and should not be duplicated in the part OPS. Moreover, it is essential that these requirements take into account the fact that outside the boundaries of the aerodrome, the aerodrome operator has absolutely no legal power to control obstacles. All that can be expected from the aerodrome operator outside its boundaries is the establishment of OLS, which the aerodrome operator should propose to the competent authority in accordance with AMC1-ADR.OR.B.015(b)(1);(2);(3), and their oversight within its line of sight.

The first principle leads to review the part AR corresponding to the article 8 of the cover regulation, in particular ADR-AR.C.065 and corresponding AMCs and GMs. Comments for each provision have been done in the specific DGAC's comments.

The second principle leads to delete from the part OPS all the provisions related to the monitoring of the surroundings and related to the limitation and marking and/or lighting of obstacles.

Indeed, AMC/GM Part OPS should only reflect the Essential Requirements stated in Section B.1(b) of Annex Va, which specifies that *"the aerodrome operator shall verify that the requirements of Section A are complied with at all times or take appropriate measures to mitigate the risks associated with non-compliance. Procedures shall be established and applied to make all users aware of such measures in a timely manner"*. Thus the rules stated by Part OPS need only to impose the fact that the aerodrome operator shall have procedures in place for mitigating the risks associated with obstacles and other activities within the monitored areas that could impact safety.

DGAC proposes the following modifications of ADR-OPS.B.075 and AMC1-ADR-OPS.B.075, and to delete the all other corresponding AMCs and GMs, given the fact that all of them are already dealt with in the book of certification specifications.

Note: it is proposed to delete (a)(3) of ADR-OPS.B.075 because already covered by paragraph (b) and confusing given the fact that the aerodrome has no legal power on the areas outside its boundaries.

ADR-OPS.B.075 – Safeguarding of aerodromes

"(a) The aerodrome operator shall have procedures to monitor on the aerodrome and surroundings within the areas defined in coordination with the competent authority:

(1) obstacle limitation surface and protection surfaces of navigation aids as established in accordance with the Certification Basis of the aerodrome ~~in order to take appropriate action to mitigate the risk associated with regard to their penetration of by obstacle limitation surfaces or other safeguarding surfaces;~~

(2) marking and lighting of obstacles in accordance with the Certification Basis of the aerodrome ~~in order to be able to take action as appropriate;~~

(3) ~~hazards related to human activities and land use in order to take action as appropriate.~~

(b) The aerodrome operator shall have procedures in place, without prejudice to the system and legal provisions of the member State, for mitigating the risks associated with obstacles, developments and other activities within the monitored areas that could impact safe operations of aircraft operating at, to or from the aerodrome."

AMC1-ADR-OPS.B.075 — Safeguarding of aerodromes (p165-166)

"(a) The aerodrome operator should have procedures to monitor the changes in the obstacle environment, marking and lighting and in human activities or land use on the aerodrome and its surroundings areas defined in coordination with the competent authority. The scope, limits, tasks and responsibilities for the monitoring should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.

(b) The limits of the aerodrome surroundings that should be monitored by the aerodrome operator are defined in coordination with the competent authority and should include the areas that can be visually monitored during the inspections of the manoeuvring area.

(c) The aerodrome operator should have procedures to mitigate the risks associated with changes on the aerodrome and its surroundings identified with the monitoring procedures. The scope, limits, tasks and responsibilities for the mitigation of risks associated to obstacles or hazards outside the perimeter fence of the aerodrome should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.

~~(d) The risks caused by human activities and land use which should be assessed and mitigated should include:~~

~~(1) obstacles and the possibility of induced turbulence;~~

~~(2) the use of hazardous, confusing and misleading lights;~~

~~(3) the dazzling caused by large and highly reflective surfaces;~~

~~(4) sources of non visible radiation or the presence of moving or fixed objects which may interfere with, or adversely affect, the performance of aeronautical communications, navigation and surveillance systems;~~

~~(5) non-aeronautical ground light near an aerodrome which may endanger the safety of aircraft and which should be extinguished, screened or otherwise modified so as to eliminate the source of danger."~~

~~AMC2-ADR-OPS.B.075 — Obstacle restriction and removal (p166-169)~~

Note: these provisions are already dealt with in:

- CS-ADR-DSN.B.165 — Objects on runway strips (p18),*
- CS-ADR-DSN.B.170 — Non-precision approach and non-instrument runway strips (p19),*
- CS-ADR-DSN.J.475 — Non-precision approach runways (p45),*
- CS-ADR-DSN.J.480 — Precision approach runways (p46),*
- CS-ADR-DSN.J.485 — Runways meant for take-off (p47),*
- CS-ADR-DSN.T.915 - Siting of equipment and installations on operational areas (p167)*

~~AMC3-ADR-OPS.B.075 — Marking and lighting of obstacles (p169-170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC4-ADR-OPS.B.075 — Obstacles that extends above a take-off climb surface (p170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC5-ADR-OPS.B.075 — Objects, other than obstacles, adjacent to a take-off climb Surface (p170-171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 —

Objects to be marked and/or lighted (p146-147).

~~AMC6 ADR OPS.B.075 — Obstacles that extends above an approach or transitional Surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146).

~~AMC7 ADR OPS.B.075 — Fixed obstacles above a horizontal surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC8 ADR OPS.B.075 — Marking of objects (p172)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.845 — Marking of objects (p147).

~~AMC9 ADR OPS.B.075 — Location of obstacle lights (p172)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.850 — Lighting of objects (p150).

response

Noted

Requirements set in ADR.AR.C.065 -080 will be removed.

comment

1342

comment by: *Federal Office of Civil Aviation FOCA*

The protection areas for aeronautical communications, navigation and surveillance systems are not defined. Please define the protection areas in the CS or GM chapter.

response

Noted

Paragraph ADR.AR.C.075 (a) will be removed.

comment

1422

comment by: *Belgian CAA*

It can be unclear in this article that the competent authority is not the civil aviation authority. It would be better to mention this explicitly.

response

Noted

Provisions will be addressed to Member State in final rules who will be responsible for allocation tasks within the Member State.

comment

1678

comment by: *Swedish Transport Agency*

If paragraph ADR.AR.C.075 (b) on page 30 remains in this regulation (see comment to ADR.AR.C.065 (c) on page 30): The competent authority itself will not necessarily be the one to modify or mitigate, but rather be the one to ensure that this is done.

response

Accepted

Requirements for dealing with Protection of communication, navigation and surveillance systems will be addressed to Member State. Paragraph ADR.AR.C.075 (b) will be removed.

comment	2124	comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i>
	The protection areas are not defined.	
response	<i>Noted</i>	
	Paragraph ADR.AR.C.075 (a) will be removed.	
comment	3083	comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i>
	The protection areas are not defined.	
response	<i>Noted</i>	
	Paragraph ADR.AR.C.075 (a) will be removed.	
comment	3127	comment by: <i>Isavia</i>
	If paragraph ADR.AR.C.075 (b) on page 30 remains in this regulation (see comment to ADR.AR.C.065 (c) on page 30): The competent authority itself will not necessarily be the one to modify or mitigate, but rather be the one to ensure that this is done.	
response	<i>Accepted</i>	
	Requirements for dealing with Protection of communication, navigation and surveillance systems will be addressed to Member State. Paragraph ADR.AR.C.075 (b) will be removed.	
comment	3179	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	please ad GM	
response	<i>Noted</i>	
	Paragraph ADR.AR.C.075 (a) will be removed.	

ANNEX I - Part AR - ADR.AR.C.080 – Other activities

p. 31

comment	237	comment by: <i>KLM</i>
	See also comments on ADR.AR.C.060 on wildlife management.	
	Change:	
	The vicinity of an aerodrome is too vague and must read "protected zones" to be established. In case of birds such potential hazardous areas (e.g. waste dumps) could be at a distance of the aerodrome and could cause bird movements between rest and feed areas overhead the airport and/or runway(s).	
	Specific cases should be mentioned that have to be taken care of at least:	

	Slaughter houses, waste dump, windmills, antennas, kite flying areas, artificial lakes etc.
	Reference to be given to the AMC if available or even better add the AMC and/or GM to this text
response	<i>Noted</i>
	Requirements for dealing land use planning in the aerodrome surroundings will be revised and addressed to Member State. Suggested action may be taken then up to decision of the Member State. Article ADR.AR.C.080 will be removed.

comment	834	comment by: <i>Union des Aéroports français - UAF</i>
	Attachment #150	
	UAF	NPA
	2011-20	(B.I)
	ADR.AR.C.080	
	Référence:	ADR.AR.C.080
	"The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated."	
	Traduction de courtoisie The notion of « vicinity » is not clear. It would rather be the development of activities or changes in the use of the ground that can have an impact on the aerodrome safety. It is proposed to write as follows : "The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use which could have an impact on air safety related to the in the vicinity of an aerodrome are identified and mitigated."	
response	<i>Noted</i>	
	Article ADR.AR.C.080 will be removed.	

comment	1008 ❖	comment by: <i>DGAC Direction Générale de l'aviation civile</i>
	<u>1. Affected paragraphs</u>	
	<ul style="list-style-type: none"> • Draft Commission Regulation - Article 3 – Oversight capabilities - paragraph 1 (p10) • ANNEX I — Part-AR - ADR.AR.B.005(c) – Management System (p20) • ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects (p30) • ANNEX I - Part-AR - ADR.AR.C.070 — confusing, misleading and hazardous lights (p30) • ANNEX I - Part-AR - ADR.AR.C.075 — Protection of communication, navigation and surveillance systems (p30-31) • ANNEX I - Part-AR - ADR.AR.C.080 — Other activities (p31) • ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects (c) (p30) • AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.B.005(c) – Management System (p13) 	

- AMC-GM to Annex I - AMC2-ADR-AR.C.065 (b) — Obstacles — Objects – wind turbines (p51)
- AMC-GM to Annex I - AMC1-ADR-AR.C.070(a) — confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I - AMC2-ADR-AR.C.070(a) — Confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I - AMC1-ADR-AR.C.070(b) — Confusing, misleading and hazardous lights (p53)
- AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p38)
- AMC/GM to ANNEX I — Part-AR - AMC1-ADR-AR.C.060(b) — Wildlife hazard management – MITIGATING MEASURES (page 37)
- CS-ADR - Book 1 - CS-ADR-DSN.A.002 – Definitions – ‘clearway’ (p5)

2. Justification and proposed text / comment

This comment is linked with comment 789 in book II and comment 591 in book III

This comment is **critical** as the rules, as written presently, can not be applied in the French system, linked with the definition of “competent authority” and its related obligations. This comment is linked to the issue on responsibility (see proposal for adding Article 2bis in the Cover regulation).

This comment aims to inform EASA on how the French DGAC understands the notion of “competent authority”, and also to list the rules which can not be applied for such competent authority.

France understands the competent authority is the civil aviation authority in charge of the oversight of the aerodrome operator for the tasks mentioned in its aerodrome certificate.

To explain our comment: In France, there are regions, and representatives from the States in these regions (“préfet” in French). The local representative from the State has some responsibilities, particularly for land planning use. For example, this representative is competent on land use matters to apply the obstacle limitation surfaces and to edict rules on policy on aerodromes (e.g. defining the movement area or stating that people working on the aerodrome have to be trained). The “préfet” is not considered as a competent authority, as if he was, its services would have to respect all the rules which apply the competent authorities, in particular the obligation to have a SMS: this is not possible in the French system and it would be too complex, too expensive and not feasible considering the reduced resources.

This should be taken into account while writing the rules: it is proposed to clarify this point by distinguishing in the rules the “competent authorities” and the “other authorities”. Moreover, security and local land use authorities are considered as “authorities” but shall not be “competent authorities” as requiring them to have a management system would be totally unfeasible.

However, coordination between these entities exists and can be made through several means. DGAC understands that coordination arrangements can be fulfilled by the mean of: protocols, legally defined coordination, or both entities being members of the government or the same State authorities.

DGAC France fully supports the use of the word “appropriate authority” in the definition of “clearway” in CS-ADR-DSN.A.002 (p5), which gives to France the flexibility we need.

It is proposed to clarify these points by:

- **modifying paragraph (c) of ADR.AR.B.005 as follows :**

"The competent authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance of other competent authorities/authorities of the Member State concerned.

- **replacing the 2 first sentences of AMC1-ADR.AR.B.005(c) by:**

« *The coordination between the competent authority(ies) and the other authorities of the Member State should be formally documented, and should encompass, as deemed appropriate by the Member State, the following authorities :*

~~*The competent authority should establish coordination arrangements with other **competent** authorities of the Member State. Such coordination arrangements should in particular include the following **competent** authorities ... »*~~

- **modifying the provisions on surroundings: ADR-AR.C.065, ADR-AR.C.070, ADR-AR.C.075, ADR-AR.C.080 and corresponding AMCs and GMs, and AMC1-ADR.AR.C.060(b) as proposed in specific DGAC's comments.**

response *Noted*

comment *1119*

comment by: *ADP : Aeroports de Paris*

Référence: ADR.AR.C.080

"The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated."

Proposition/commentaire

La notion de voisinage (« vicinity ») n'est pas claire. Il s'agirait plutôt d'activités de développements ou de changements dans l'utilisation du sol qui pourraient avoir un impact sur la sécurité aérienne de l'aérodrome.

Il est proposé de rédiger de la manière suivante : "The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use which could have an impact on air safety related to the in the vicinity of an aerodrome are identified and mitigated."

	<p>Justification</p> <p>Traduction de courtoisie The notion of « vicinity » is not clear. It would rather be the development of activities or changes in the use of the ground that can have an impact on the aerodrome safety.</p> <p>It is proposed to write as follows : "The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use which could have an impact on air safety related to the in the vicinity of an aerodrome are identified and mitigated."</p>
response	<p><i>Noted</i></p> <p>Article ADR.AR.C.080 will be removed.</p>
comment	<p>1241 comment by: <i>Gatwick Airport Ltd</i></p> <p>Move and change. Falls under sub part C</p> <p>Justification</p> <p>London Gatwick believes that the safeguarding of its aerodrome from wildlife hazard or obstacle infringement is critical to both aerodrome safety and future aerodrome development. Therefore this safeguarding should remain the responsibility of the aerodrome operator and via close coordination with the competent authority would be the appropriate model going forward</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing with land use planning in the aerodrome surroundings will be revised and addressed to the Member state who will have to ensure appropriate coordination. Article ADR.AR.C.080 will be removed.</p>
comment	<p>1248 ❖ comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u> <u>Cover regulation</u></p> <ul style="list-style-type: none"> • Draft Commission Regulation - Article 8 – Obstacles - Objects (p14) <p><u>Annexes to the cover regulation</u></p> <ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects (p30) • ANNEX I - Part-AR - ADR.AR.C.070 — confusing, misleading and hazardous lights (p30) • ANNEX I - Part-AR - ADR.AR.C.075 — Protection of communication, navigation and surveillance systems (p30-31) • ANNEX I - Part-AR - ADR.AR.C.080 — Other activities (p31)

- Annex III - ADR-OPS.B.075 — Safeguarding of aerodromes (68)

AMC/GM to the IR

- AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p38)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065 — Obstacles (a) - Outer Horizontal Surface (p39)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065(a) — Obstacles - Elevation datum (p39)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles — Objects - Non instrument runways (p39)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles — Objects - non precision approach runways (p39-40)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065(a) — Obstacles — Objects -precision approach runways (p40)
- AMC-GM to Annex I - AMC3-ADR-AR.C.065(a) — Obstacles — Objects -runways meant for take-off (p40)
- AMC-GM to Annex I - AMC4-ADR-AR.C.065(a) — Obstacles — Objects - other objects (p41)
- AMC-GM to Annex I - AMC5-ADR-AR.C.065(a) — Obstacles — Objects - obstacle protection surface for visual approach slope indicator systems (p41)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p41)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(b);(c) —Obstacles — Objects - (p42-43)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(b) — Obstacles — Objects (p43)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065 (b) — Obstacles — Objects - wind turbines (p51)
- AMC-GM to Annex I - AMC1-ADR-AR.C.070(a) — confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I - AMC2-ADR-AR.C.070(a) — Confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I - AMC1-ADR-AR.C.070(b) — Confusing, misleading and hazardous lights (p53)
- AMC-GM to Annex III - AMC1-ADR-OPS.B.075 — Safeguarding of aerodromes (p165-166)
- AMC-GM to Annex III - AMC2-ADR-OPS.B.075 — Obstacle restriction and removal (p166-169)
- AMC-GM to Annex III - AMC3-ADR-OPS.075 — Marking and lighting of obstacles (p169-170)
- AMC-GM to Annex III - AMC4-ADR-OPS.B.075 — Obstacles that extends above a take-off climb surface (p170)
- AMC-GM to Annex III - AMC5-ADR-OPS.B.075 — Objects, other than obstacles, adjacent to a take-off climb Surface (p170-171)
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- AMC-GM to Annex III - AMC9-ADR-OPS.B.075 — Location of obstacle lights (p172)

2. Justification and proposed text / comment

This comment is linked with comment 1015 in book II.

(A) The safeguarding of aerodromes is at the limit between the civil aviation competency and the land use planning competency which both may be shared with local authorities with varying splits according to the States. It is then essential to provide enough flexibility so that the Member State can establish a mechanism to manage the surroundings of the aerodrome that can fit its system and legal provisions.

This can be done by referring to other authorities of the Member State instead of the competent authority, and by indicating that the control of obstacles is done "without prejudice to the system and legal provisions of the Member State". This is a critical point for DGAC.

Note: in addition to that, OLS may expand in more than one State (Basle, Geneva, Fontarabie) and the legal context may be utterly complex.

Thus the need to modify the wording of the following provisions:

- **Paragraphs (a)(2) and (a)(3) of ADR.AR.C.065 – Obstacles-Objects**

"(a) The competent authority *or other authorities of the Member State* shall:

[...]

(2) not permit new objects or extensions to existing objects, remove objects or otherwise protect the surfaces and areas established in accordance with (a)(1), *as appropriate, without prejudice to the system and legal provisions of the Member State;*

(3) not permit developments which may endanger safety due to obstacle-induced turbulence, *without prejudice to the system and legal provisions of the Member State.*

- **ADR.AR.C.070 – Confusing, misleading and hazardous lights REV**

"(a) The competent authority *or other authorities of the Member State, without prejudice to its system and legal provisions,* shall ensure that sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are extinguished, screened, or modified, or are subject to any other action required in the interest of safety.

(b) The competent authority *or other authorities of the Member State, without prejudice to its system and legal provisions,* shall establish protective zones around aerodromes to protect the safety of aircraft against the hazardous effects of laser emitters."

- **ADR.AR.C.075 – Protection of communication, navigation and surveillance systems**

"The competent authority *or other authorities of the Member State, without prejudice to its system and legal provisions,* shall:

(a) establish protection areas for each aeronautical communications, navigation and surveillance system;

(b) not permit, or shall modify or otherwise mitigate sources of non-visible radiation or the presence of moving or fixed objects that may interfere with, or adversely affect, the performance of the systems mentioned in subparagraph (a)."

- **ADR.AR.C.080 – Other activities**

"The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated."

- **Paragraphs (c)(3), (c)(4)(i) and (d) of AMC2-ADR-AR.C.065**

(b) – Obstacles - Objects

"WIND TØURBINES

[...] (c) Lighting – day use [...]

(3) Where the highest point of the blade on the vertical position exceeds 150 m above ground level, high-intensity white lights should be prescribed by the competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, if medium intensity lights are deemed insufficient.

(4) Obstacle lights should be installed on the nacelle in such a manner as to provide an unobstructed view for aircraft approaching them from any direction.

(i) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels.

(ii)[...]

(d) Lighting – night use

(1) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe medium-intensity flashing red lights instead of white lights. [...]

(2) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels if it is deemed necessary; these lights should be low-intensity fixed red lights Type A or Type B. The wind turbine rotor should not shield lights on intermediate levels.

[...]"

- **Paragraph (b) of AMC1-ADR.AR.C.070(a) – Confusing, misleading and hazardous lights**

"LIGHTS THAT MAY ENDANGER THE SAFETY OF AIRCRAFT

[...]

(b) The competent authority should have as appropriate arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, in order to achieve (a) above."

- **Paragraph (b) of AMC2-ADR.AR.C.070(a) – Confusing, misleading and hazardous lights**

"LIGHTS WHICH MAY CAUSE CONFUSION

[...]

(b) Arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in place, as appropriate, to achieve (a) above."

- **Paragraph (a) of AMC1-ADR.AR.C.070 (b) – Confusing, misleading and hazardous lights**

"LASER EMISSIONS WHICH MAY ENDANGER SAFETY

(a) The competent authority should ensure that the following protected zones are established and implemented around an aerodrome and that appropriate arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in

*place, in order to protect the safety of aircraft against the hazardous effects of laser emitters:
[...]"*

(B) The control of surroundings is dealt with through two tiers:

- the aerodrome operator's monitoring, within the limit of its responsibilities, and through its notified certification basis and
- the Member States' mechanisms established for such purpose.

Consequently, the following principles are to be pursued in the proposed implementing rules and proposed certification specifications:

1. The requirements for the authority in part AR should take into account the fact that the control of obstacles is strongly linked to the land use planning laws, thus all that can be expected from the Member State is the establishment of a mechanism to safeguard the surroundings of the aerodromes. This is done case by case for each aerodrome, so it is essential to provide enough flexibility in these rules to allow necessary arrangements to fit to each aerodrome environment and context. The logic understood by DGAC is that authorities establish surfaces relying on what is notified in the certification basis of the aerodrome, but with some adaptations for instance to take into account future developments of the aerodrome.
2. The requirements for the aerodrome operator on that subject should be in the book of certification specifications only, and should not be duplicated in the part OPS. Moreover, it is essential that these requirements take into account the fact that outside the boundaries of the aerodrome, the aerodrome operator has absolutely no legal power to control obstacles. All that can be expected from the aerodrome operator outside its boundaries is the establishment of OLS, which the aerodrome operator should propose to the competent authority in accordance with AMC1-ADR.OR.B.015(b)(1);(2);(3), and their oversight within its line of sight.

The first principle leads to review the part AR corresponding to the article 8 of the cover regulation, in particular ADR-AR.C.065 and corresponding AMCs and GMs. Comments for each provision have been done in the specific DGAC's comments.

The second principle leads to delete from the part OPS all the provisions related to the monitoring of the surroundings and related to the limitation and marking and/or lighting of obstacles.

Indeed, AMC/GM Part OPS should only reflect the Essential Requirements stated in Section B.1(b) of Annex Va, which specifies that "*the aerodrome operator shall verify that the requirements of Section A are complied with at all times or take appropriate measures to mitigate the risks associated with non-compliance. Procedures shall be established and applied to make all users aware of such measures in a timely manner*". Thus the rules stated by Part OPS need only to impose the fact that the aerodrome operator shall have procedures in place for mitigating the risks associated with obstacles and other activities within the monitored areas that could impact safety.

DGAC proposes the following modifications of ADR-OPS.B.075 and AMC1-

ADR-OPS.B.075, and to delete the all other corresponding AMCs and GMs, given the fact that all of them are already dealt with in the book of certification specifications.

Note: it is proposed to delete (a)(3) of ADR-OPS.B.075 because already covered by paragraph (b) and confusing given the fact that the aerodrome has no legal power on the areas outside its boundaries.

ADR-OPS.B.075 – Safeguarding of aerodromes

“(a) The aerodrome operator shall have procedures to monitor on the aerodrome and surroundings within the areas defined in coordination with the competent authority:

(1) obstacle limitation surface and protection surfaces of navigation aids as established in accordance with the Certification Basis of the aerodrome in order to take appropriate action to mitigate the risk associated with regard to their penetration of by obstacle limitation surfaces or other safeguarding surfaces;

(2) marking and lighting of obstacles in accordance with the Certification Basis of the aerodrome in order to be able to take action as appropriate;

(3) hazards related to human activities and land use in order to take action as appropriate.

(b) The aerodrome operator shall have procedures in place, without prejudice to the system and legal provisions of the member State, for mitigating the risks associated with obstacles, developments and other activities within the monitored areas that could impact safe operations of aircraft operating at, to or from the aerodrome.”

AMC1-ADR-OPS.B.075 – Safeguarding of aerodromes (p165-166)

“(a) The aerodrome operator should have procedures to monitor the changes in the obstacle environment, marking and lighting and in human activities or land use on the aerodrome and its surroundings areas defined in coordination with the competent authority. The scope, limits, tasks and responsibilities for the monitoring should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.

(b) The limits of the aerodrome surroundings that should be monitored by the aerodrome operator are defined in coordination with the competent authority and should include the areas that can be visually monitored during the inspections of the manoeuvring area.

(c) The aerodrome operator should have procedures to mitigate the risks associated with changes on the aerodrome and its surroundings identified with the monitoring procedures. The scope, limits, tasks and responsibilities for the mitigation of risks associated to obstacles or hazards outside the perimeter fence of the aerodrome should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.

(d) The risks caused by human activities and land use which should be assessed and mitigated should include:

(1) obstacles and the possibility of induced turbulence;

(2) the use of hazardous, confusing and misleading lights;

(3) the dazzling caused by large and highly reflective surfaces;

(4) sources of non-visible radiation or the presence of moving or fixed objects which may interfere with, or adversely affect, the performance of aeronautical communications, navigation and surveillance systems;

(5) non-aeronautical ground light near an aerodrome which may endanger the safety of aircraft and which should be extinguished, screened or otherwise modified so as to eliminate the source of danger.”

AMC2-ADR-OPS.B.075 – Obstacle restriction and removal (p166-

169)

Note: these provisions are already dealt with in:

- CS-ADR-DSN.B.165 — Objects on runway strips (p18),
- CS-ADR-DSN.B.170 — Non-precision approach and non-instrument runway strips (p19),
- CS-ADR-DSN.J.475 — Non-precision approach runways (p45),
- CS-ADR-DSN.J.480 — Precision approach runways (p46),
- CS-ADR-DSN.J.485 — Runways meant for take-off (p47),
- CS-ADR-DSN.T.915 - Siting of equipment and installations on operational areas (p167)

~~AMC3 ADR OPS.B.075 — Marking and lighting of obstacles (p169-170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC4 ADR OPS.B.075 — Obstacles that extends above a take-off climb surface (p170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC5 ADR OPS.B.075 — Objects, other than obstacles, adjacent to a take off climb Surface (p170-171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC6 ADR OPS.B.075 — Obstacles that extends above an approach or transitional Surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146).

~~AMC7 ADR OPS.B.075 — Fixed obstacles above a horizontal surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC8 ADR OPS.B.075 — Marking of objects (p172)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.845 — Marking of objects (p147).

~~AMC9 ADR OPS.B.075 — Location of obstacle lights (p172)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.850 — Lighting of objects (p150).

response

Noted

Articles ADR.AR.C.065 -080 will be removed.

comment

1423

comment by: *Belgian CAA*

It can be unclear in this article that the competent authority is not the civil aviation authority. It would be better to mention this explicitly.

response

Noted

Provisions will be addressed to Member State in final rules who will be responsible for allocation tasks within the Member State.

comment	<p>1579 comment by: Euroairport Bâle-Mulhouse</p> <p>Attachment #151</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.AR.C.080</p> <p>Référence: ADR.AR.C.080 “The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated.”</p> <p>Traduction de courtoisie The notion of « vicinity » is not clear. It would rather be the development of activities or changes in the use of the ground that can have an impact on the aerodrome safety. It is proposed to write as follows : “The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use which could have an impact on air safety related to the in the vicinity of an aerodrome are identified and mitigated.”</p>
response	<p><i>Noted</i></p> <p>Article ADR.AR.C.080 will be removed.</p>

comment	<p>1913 comment by: ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</p> <p>Attachment #152</p> <p>ADBM - NPA 2011-20 (B.I) ADR.AR.C.080</p> <p>Référence: ADR.AR.C.080 “The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated.”</p> <p>Traduction de courtoisie The notion of « vicinity » is not clear. It would rather be the development of activities or changes in the use of the ground that can have an impact on the aerodrome safety. It is proposed to write as follows : “The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use which could have an impact on air safety related to the in the vicinity of an aerodrome are identified and mitigated.”</p>
response	<p><i>Noted</i></p> <p>Article ADR.AR.C.080 will be removed.</p>

comment	<p>1953 comment by: Aéroport de Marseille - MRS/LFML</p>
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	<p>The notion of « vicinity » is not clear. It would rather be the development of activities or changes in the use of the ground that can have an impact on the aerodrome safety.</p>																				
response	<p><i>Noted</i></p> <p>Article ADR.AR.C.080 will be removed.</p>																				
comment	<p>2103 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #153</p>																				
	<table border="0"> <tr> <td data-bbox="371 566 531 611">UAF</td> <td data-bbox="531 566 691 611">NPA</td> <td data-bbox="691 566 850 611">2011-20</td> <td data-bbox="850 566 1010 611">(B.I)</td> <td data-bbox="1010 566 1414 611">ADR.AR.C.080</td> </tr> <tr> <td colspan="4" data-bbox="371 633 1010 678">Référence:</td> <td data-bbox="1010 633 1414 678">ADR.AR.C.080</td> </tr> <tr> <td colspan="5" data-bbox="371 678 1414 813"> <p>"The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated."</p> </td> </tr> <tr> <td colspan="5" data-bbox="371 835 1414 1137"> <p>Traduction de courtoisie</p> <p>The notion of « vicinity » is not clear. It would rather be the development of activities or changes in the use of the ground that can have an impact on the aerodrome safety.</p> <p>It is proposed to write as follows : "The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use which could have an impact on air safety related to the in the vicinity of an aerodrome are identified and mitigated."</p> </td> </tr> </table>	UAF	NPA	2011-20	(B.I)	ADR.AR.C.080	Référence:				ADR.AR.C.080	<p>"The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated."</p>					<p>Traduction de courtoisie</p> <p>The notion of « vicinity » is not clear. It would rather be the development of activities or changes in the use of the ground that can have an impact on the aerodrome safety.</p> <p>It is proposed to write as follows : "The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use which could have an impact on air safety related to the in the vicinity of an aerodrome are identified and mitigated."</p>				
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response	<p><i>Noted</i></p> <p>Article ADR.AR.C.080 will be removed.</p>																				
comment	<p>2411 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p>																				
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response	<p><i>Noted</i></p> <p>Article ADR.AR.C.080 will be removed.</p>																				
comment	<p>2569 comment by: <i>IATA</i></p> <p>ADR.AR.C.080 — Other activities</p> <p>See also comments on ADR.AR.C.060 on wildlife management.</p> <p>Change:</p>																				

The vicinity of an aerodrome is too vague and must read "protected zones" to be established.

In case of birds such potential hazardous areas (e.g. waste dumps) could be at a distance of the aerodrome and could cause bird movements between rest and feed areas overhead the airport and/or runway(s).

Specific cases should be mentioned that have to be taken care of at least: Slaughter houses, waste dump, windmills, antennas, kite flying areas, artificial lakes etc.

Reference to be given to the AMC if available or even better add the AMC and/or GM to this text

response *Noted*

Requirements for dealing land use planning in the aerodrome surroundings will be revised and addressed to Member State. Suggested action may be taken then up to decision of the Member State.

Article ADR.AR.C.080 will be removed.

comment

2787

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.AR.C.080	"The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated."
Proposition/commentaire	La notion de voisinage (« vicinity ») n'est pas claire. Il s'agirait plutôt d'activités de développements ou de changements dans l'utilisation du sol qui pourraient avoir un impact sur la sécurité aérienne de l'aérodrome. Il est proposé de rédiger de la manière suivante : "The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use which could have an impact on air safety related to the in the vicinity of an aerodrome are identified and mitigated."
Justification	
Traduction de courtoisie	The notion of « vicinity » is not clear. It would rather be the development of activities or changes in the use of the ground that can have an impact on the aerodrome safety. It is proposed to write as follows : "The competent authority shall ensure that

	<p>potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use which could have an impact on air safety related to the in the vicinity of an aerodrome are identified and mitigated.”</p>
response	<p><i>Noted</i></p> <p>Article ADR.AR.C.080 will be removed.</p>
comment	<p>3332 comment by: <i>AEA - Association of European Airlines</i></p> <p>ADR.AR.C.080 – Other activities The competent authority shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated.</p> <p>Comments See also comments on ADR.AR.C.060 on wildlife management.</p> <p>Change:</p> <p>The vicinity of an aerodrome is too vague and must read “protected zones” to be established. In case of birds such potential hazardous areas (e.g. waste dumps) could be at a distance of the aerodrome and could cause bird movements between rest and feed areas overhead the airport and/or runway(s).</p> <p>Specific cases should be mentioned that have to be taken care of at least: Slaughter houses, waste dump, windmills, antennas, kite flying areas, artificial lakes etc.</p> <p>Reference to be given to the AMC if available or even better add the AMC and/or GM to this text</p>
response	<p><i>Noted</i></p> <p>Requirements for dealing land use planning in the aerodrome surroundings will be revised and addressed to Member State. Suggested action may be taken then up to decision of the Member State. Article ADR.AR.C.080 will be removed.</p>

comment	<p>51 comment by: <i>airsight GmbH</i></p> <p>Reconsider the inclusion of "Operating Minima" in the Terms of Approval. - DA/DH - MDA/MDH is the term/responsibility of an airline operator and not of the ADR / AO / CA(ADR) - if replacing by OCA/OCH consider the effect of AR.C.040(c) and GM1-</p>
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	ADR.AR.C.040(c) requiring an amendment of the certificate for any (temporary) change.
response	<p><i>Noted</i></p> <p>Noted.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	<p>76 comment by: CAA Norway</p> <p>In Appendix I - Terms of approval on page 33 we suggest to add lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval. (A tick box can be inserted on this form to indicate that descriptions of those items are attached to the certificate)</p>
response	<p><i>Noted</i></p> <p>Noted.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code

- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment	77	comment by: CAA Norway
	We suggest rewording in Appendix I on page 32, under [COMPANY NAME AND ADDRESS], at end of 1st para.: " ..the approved parts of the Aerodrome Manual. "	
response	Accepted Form is now a model under GM.	

comment	136	comment by: CAA Norway
	<p>Fuel provision at the aerodrome should not be one of the terms of the approval.</p> <p>We suggest to delete it from Appendix I - Terms of Approval on page 33. Most changes in fuel provision are not safety critical to this extent for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.</p>	
response	<p>Accepted</p> <p>Noted.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority. 	

comment	<p>165 comment by: CAA-NL</p>
	<p>Part of the terms of approval form is the issue – operating minima. In the Netherlands DA/DH, MDA/MDH and visibility/RVR values are not determined by the competent authority. In the Netherlands the competent authority determines the OCA/OCH values. These values are published in the AIP. Each operator uses these values to calculate the DA/DH and MDA/MDH. Furthermore these values can vary depending on existing and new obstacles. We suggest to delete the part – operating minima in Appendix I and II.</p>
response	<p><i>Noted</i></p> <p>Noted. Please note that the idea of a certificate form and the related idea of a “terms of approval” sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form. Meanwhile the “terms of approval” have become “terms of the certificate” and the concept has been defined under the definitions. The elements of the “terms of the certificate” which EASA sees as the necessary minimum are given in the definition, while the “terms of the certificate” sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form. ‘Terms of the certificate’ means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	<p>295 comment by: BAA Airside operations</p>
response	<p><i>Partially accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a “terms of approval” sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form. Meanwhile the “terms of approval” have become “terms of the certificate” and the concept has been defined under the definitions. The elements of the “terms of the certificate” which EASA sees as the necessary minimum are given in the definition, while the “terms of the certificate” sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form. ‘Terms of the certificate’ means the following:</p>

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

348

comment by: *Danish Transport Authority*

The Terms of Approval form must only reflect the main infrastructure of the aerodrome. We suggest to have a form with headlines like - runway classification (including reference code, type of approach), declared distances and lighting system. All other suggested categories in the terms of approval form are subject to approval in the aerodrome manual and in the certification basis including ELOS, SC, DAAD. In decades we have used an operational permit (certificate) and a technical permit (terms of approval) with reference to the legal grounds and conditions. The information should be part of the aerodromes manual as the basis for the information to the AIS and AIP publications. Parts of the terms like airspace VFR/IFR are based on ATS assesments of the traffic complexity and operational conditions like visibility/RVR are controlled by equipment on the aircraft. Operating conditions, operating minima, provision of apron management service, RFFS, fuel provision and the NPH shall not be in the form "Terms of approval".

response

Partially accepted

Noted.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the

	Competent Authority.
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comment	391	comment by: <i>Edinburgh Airport</i>
	<p>PART AR Appendix 1 Terms of approval - Delete Justification - There is no need to specify all the details in the proposed terms of approval. This detail should be in the Aerodrome manual and does not need including in the certificate.</p>	

response	<p><i>Partially accepted</i></p> <p>Noted.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority. 	
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comment	499	comment by: <i>Icelandic Civil Aviation Administration</i>
	<p>We suggest rewording in Appendix I on page 32, under [COMPANY NAME AND ADDRESS], at end of 1st para.: "..the approved parts of the Aerodrome Manual."</p>	

response	<p><i>Accepted</i></p> <p>Form is now a model under GM.</p>	
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comment	500	comment by: <i>Icelandic Civil Aviation Administration</i>
	<p>In Appendix I - Terms of approval on page 33 we suggest to add lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval. (A tick box can be inserted on this form to indicate that descriptions of those items are attached to the certificate)</p>	

response	<p><i>Noted</i></p> <p>Noted.</p>	
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Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

501

comment by: *Icelandic Civil Aviation Administration*

Appendix I, page 33: "Approved aircraft type(s) above aerodrome Reference code" should not be a part of the terms of the approval for the aerodrome, acft types change and an approval for operation of larger aircraft is required in art ADR.OR.C.010 and that is sufficient.

response

Noted

Noted.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the

Competent Authority.

comment	<p>502 comment by: <i>Icelandic Civil Aviation Administration</i></p> <p>Provision of Apron Management Services should not be one of the terms of the approval! We suggest to delete it from Appendix I - Terms of Approval on page 33.</p>
response	<p><i>Partially accepted</i></p> <p>Noted.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	<p>503 comment by: <i>Icelandic Civil Aviation Administration</i></p> <p>Fuel provision at the aerodrome should not be one of the terms of the approval. We suggest to delete it from Appendix I - Terms of Approval on page 33. Reasoning: Most changes in fuel provision are not safety critical to this extent for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.</p>
response	<p><i>Accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum</p>

are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

544

comment by: *Estonian CAA*

In Appendix I - Terms of approval on page 33 we suggest to add lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval. (A tick box can be inserted on this form to indicate that descriptions of those items are attached to the certificate)

response

Partially accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

545

comment by: *Estonian CAA*

Fuel provision at the aerodrome should not be one of the terms of the approval.

We suggest to delete it from Appendix I - Terms of Approval on page 33.

Reasoning: Most changes in fuel provision are not safety critical to this

	<p>extent for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.</p>
response	<p><i>Accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	<p>578 comment by: <i>Belfast International Airport - BFS/EGAA</i></p> <p>Strongly agree</p>
response	<p><i>Noted</i></p>
comment	<p>648 comment by: <i>Exeter International Airport</i></p> <p>Part AR Appendix I Terms of Approval : There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.</p>
response	<p><i>Partially accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p>

- ICAO location indicator
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- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 744 comment by: *Finnish Transport Safety Agency*

In Appendix I - Terms of approval on page 33 we suggest to add lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval. (A tick box can be inserted on this form to indicate that descriptions of those items are attached to the certificate)

response *Noted*

Noted.
 Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.
 Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.
 'Terms of the certificate' means the following:

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- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 745 comment by: *Finnish Transport Safety Agency*

Provision of Apron Management Services should not be one of the terms of the approval!
 We suggest to delete it from Appendix I - Terms of Approval on page 33.

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a

"terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

746

comment by: *Finnish Transport Safety Agency*

Fuel provision at the aerodrome should not be one of the terms of the approval.

We suggest to delete it from Appendix I - Terms of Approval on page 33. Reasoning: Most changes in fuel provision are not safety critical to this extent for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.

response

Partially accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter

- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 819

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - Appendix I to ADR.AR.C.035 — Certificate (p32-33)
- ANNEX I - Part-AR - Appendix II to ADR.AR.C.035 — Certificate (p34 to 36)

2. Justification and proposed text / comment

The certificate contains some information that implies frequent and useless amendments, which can induce unnecessary administrative burden (information to be updated). The information which should not be in the certificate is:

- the operating minima
- the appointed/nominated persons (who can change and are already mentioned in the aerodrome manual)
- the aerodrome reference code (which is useless as a taxiway can be dimensioned for a specific aircraft) : the more stringent aeroplane(s) would be more appropriate, or nothing; it should be noticed that such aeroplanes are not "approved" as written in this appendix. Moreover this information is not relevant for some specifications like holding points or the level of protection for RFF. DGAC France highlights that there were strong debates on this points within ICAO, and a lot of States and ACI and ICCAIA were in favour of deleting it, even if some isolated States wanted to maintain it – see comment on AD reference code;
- The types of approaches (linked with DGAC France comments on the definitions of LVP in the cover regulation article 2 and on AMC-ADR-OPS.B.045)
- the provision of apron management services, which are not are not always subcontractors of the aerodrome operator (in CDG, the apron management service is not subcontractor of the aerodrome but of ATC) (see comment on Apron Management Services)
- the fuel provision which can change and is already indicated in AIP.

Moreover, it is not appropriate to quote the "rescue and fire fighting category" but the "Rescue and fire fighting level of protection" would be more appropriate. (see comments on RFF)

DGAC proposes the following modifications of:

- **Appendix I part AR page 32-33:**

- "[...]"
- ~~Type of approaches~~
 - ~~Operating minima~~
 - ~~Aerodrome reference code~~

~~Approved aircraft types above aerodrome reference code **more demanding aeroplanes**~~
~~Provision of apron management services~~
~~Rescue and fire fighting-category **level of protection**~~
~~Fuel provision at the aerodrome~~
~~Appointed/nominated persons~~
 [...]"

- Appendix II to ADR.AR.C.035 - part AR page 34 to 36:

"[...] the aerodrome certification basis, the terms of approval attached to the aerodrome certificate and its approved aerodrome manual ~~and the following appointed / nominated persons:~~

~~Accountable manager~~
~~Safety management~~
~~Compliance monitoring~~
~~Aerodrome operational services and maintenance~~
~~Apron management services are provided by [specify name of service provider]~~

[...]"

~~Type of approaches~~
~~Operating minima~~
~~Aerodrome reference code~~
~~Approved aircraft types above aerodrome reference code **more demanding aeroplanes**~~
~~Rescue and fire fighting-category **level of protection**~~
~~Fuel provision at the aerodrome~~
 [...]"

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VFR/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 938

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I – Part-AR – APPENDIX I (p32-33)
- ANNEX I – Part-AR – APPENDIX II (p34)

2. Justification and proposed text / comment

The aerodrome reference code is a planning design tool only and is not pertinent for daily operations. Referring to it in the aerodrome certificate is not necessary and even may be confusing because there can be several "reference codes" depending on the infrastructure (example: a taxiway used for some types of aeroplanes only).
(Already mentioned in ICAO PANS Aerodromes Study Group)

The reference to the "aerodrome reference code" in the certificate is not pertinent. DGAC proposes to delete it:
"APPENDIX I , APPENDIX II

...
TERMS OF APPROVAL

...
Aerodrome reference code: *Code number/Code letter*
"

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment *1003*

comment by: *Avinor*

Part AR Appendix 1 Terms of Approval. Delete. There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

1033 ❖

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- A. Explanatory Note - II. Process and scope (p5,6): note 2
- Draft Commission Regulation (p2-5): §12
- ANNEX I - Part-AR - ADR.AR.C.005 — Oversight (p23)
- ANNEX I - Part-AR - ADR.AR.C.050 — Declarations of providers of apron management services (p27-28)
- ANNEX I - Part AR - APPENDIX I (p32-33)
- ANNEX I - Part AR - APPENDIX II (p34-36)
- ANNEX II - Part-OR - ADR.OR.B.060 — Declaration of providers of apron management services (p43-44)
- ANNEX II - Part-OR - APPENDIX II (p61-62)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem (p3)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.C.005 — Oversight (p18)
- AMC/GM to ANNEX II — Part-OR — AMC2-ADR.OR.E.005 — Aerodrome manual (p109-114) – part E - 16

2. General comment

This comment is **critical**.

As it is said in the explanatory note (*II. Process and scope, note 2, pages 5-6*), the Agency did not undertake the development of safety rules for apron management services but later on will initiate a joint group with ATM. However, some procedural rules related to those services are included in the proposed rules.

DGAC considers it is essential to provide the flexibility needed to conduct further debates that will take place in the given joint group.

In particular, the connection between the aerodrome operator and providers of apron management service can not be established without further debates. Indeed, providers of apron management services, when existing, can be independent from the aerodrome operator, with arrangements between these two entities. For example in CDG airport, providers of apron management services are not subcontractors of the CDG operator. Moreover, there is a risk of inconsistency with what will be proposed by the joint group that will propose draft regulation on that point.

Therefore, the procedural rules included in the proposed implementing rules and corresponding AMC/GM shall remain at a high level stage only.

The provisions of the NPA that would consequently need to be revised are dealt with case by case in the proposed texts/comments below:

3. Justification and proposed texts / comments

- This comment is linked with comment 23 in Explanatory Note and 793 in book II.

ADR.AR.C.005 — Oversight: Paragraph (a)(2)

DGAC understands the certification basis is not applicable to providers of apron management services, but it's not clear in paragraph (a)(2) of ADR.AR.C.005.

Providers of apron management services declare their compliance to applicable requirements only, thus the proposed change:

"(a) [...]"

(2) continued compliance, with the certification basis and/or applicable requirements [...]"

- ADR.AR.C.050 — Declarations of providers of apron management services

Considering what is said in the general comment just above and the fact that providers of apron management services are not subcontractors of the aerodrome operator, it would be inappropriate, when the competent authority has to notify something to the apron management services, to systematically notify it also to the aerodrome operator. Moreover, this could induce more delays to solve the problem as it could be understood that the corrective action is to be done by other entities.

Finally, as this is not a requirement, the wording "*if required*" should be replaced by "*when deemed necessary*".

Thus DGAC proposes to modify paragraph (b) of ADR.AR.C.050 as follows: "*If the declaration does not contain the required information, or contains information that indicates non-compliance with applicable requirements, the competent authority shall notify the provider of apron management services about the non-compliance and request further information. ~~and If deemed necessary, the competent authority can address a copy of this notification to the aerodrome operator about the non-compliance and request further information. If required-deemed necessary, the competent authority shall carry out an inspection of the provider of apron management services and the aerodrome operator. If the non-compliance is confirmed, the competent authority shall take action as defined in ADR.AR.C.055 towards the apron management service~~*"

- Part AR - APPENDIX I and APPENDIX II

The name of the provider of apron management service should not be part of the certificate of the aerodrome operator because they can be

independent.

APPENDIX I

"[...]

TERMS OF APPROVAL	
Provision of apron management services:	Specify name of service provider

[...]"

APPENDIX II

"[...]

~~Apron management services are provided by [specify name of service provider].~~

[...]"

· ADR.OR.B.060 — Declaration of providers of apron management services

Paragraph (a): DGAC doesn't understand the pertinence of having an agreement with an aerodrome operator.

~~"(a) The provider of apron management services, following an agreement with an aerodrome operator for the provision of such services at an aerodrome, shall:"~~

Paragraph (a)(5): DGAC finds this provision goes too far. Moreover, nobody will verify that the provider of apron management service complies with the aerodrome manual; in particular it's absolutely not the aerodrome operator's task.

~~"(5) provide its services in accordance with the aerodrome manual and comply with all relevant provisions contained therein"~~

Paragraph (b): DGAC doesn't understand the pertinence of notifying the aerodrome operator when ceasing activity.

~~"(b) Before ceasing the provision of such services, the provider of apron management services shall notify the competent authority and the aerodrome operator."~~

· Part-OR - APPENDIX II

In order to be clearer, DGAC proposes to clarify that these declarations of the providers of apron management services are declarations "of compliance" (see the proposed titles below).

Moreover, it is essential to delete "The service is provided in accordance with the content of the relevant aerodrome manual" as this is absolutely not high level and as it may induce a risk of inconstancy with the future rules on apron management services.

"Appendix II to Annex II

Declaration of compliance

In accordance with Commission Regulation (EC) No XXX/2013 laying down requirements and procedures related to aerodromes pursuant to Regulation (EC) No 216/ 2008 of the European Parliament and of the Council

[...]

~~ð The service is provided in accordance with the content of the relevant aerodrome manual.~~

[...]

ð (If applicable) The operator has implemented and demonstrated conformance to an officially recognised industry standard.

Reference of the standard: Certification body:

Date of the last conformance audit:

[...]

· AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem

AMC1-ADR.AR.A.030(d) is to be deleted:

~~"**AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem**
NOTIFICATION OF MEASURES~~

~~*In case that the competent authority directs a measure to a provider apron management services, then these measures should also be notified to the aerodrome operator."*~~

· AMC1-ADR.AR.C.005 — Oversight

High level provisions in this NPA state that apron management services shall provide a declaration to the competent authority when appropriate. But the oversight of the "continued competence" goes beyond this statement and therefore merits further debates.

Moreover, the word "*qualified*" should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions.

Thus the following proposed changes to this AMC:

AMC1-ADR.AR.C.005 — Oversight

"GENERAL

(a) The competent authority should assess the aerodrome operator and monitor its continued competence to conduct safe operations in compliance with the applicable requirements and the certification basis. Similarly, the competent authority should monitor the continued competence of providers of apron management services. The competent authority should ensure that accountability for assessing and monitoring aerodrome operators as well as providers apron management services is clearly defined. This accountability may be delegated or shared, in whole or in part.

(b) It is essential that the competent authority shall have the full capability to adequately assess the continued competence of an aerodrome operator or a provider of apron management services by ensuring that the whole range of activities is assessed by appropriately qualified trained personnel."

· AMC2-ADR.OR.E.005 — Aerodrome manual

AMC2-ADR.OR.E.005 includes in the aerodrome manual the procedures for apron management. This is not high level provision and strongly needs further debates, because the relevancy of having apron management procedures in the aerodrome manual is not proven.

For instance, it is possible to imagine a system where the providers of apron management service have their own procedures and the aerodrome operator has nothing to do with them. Chapter 16 of part E of the structure of the aerodrome manual is to be deleted.

Note: DGAC also proposes to put the content of this AMC to GM because of the high level of details that doesn't fit to all organization. See comment

xx.

"AMC2GM1-ADR.OR.E.00510 – Structure of aerodrome manual

[...]

~~16. Procedures for apron management including:~~

~~16.1 transfer of the aircraft between air traffic control and the apron management unit;~~

~~16.2 allocation of aircraft parking positions;~~

~~16.3 engine start and aircraft push-back;~~

~~16.4 marshalling and follow-me service.~~

[...]"

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

1058

comment by: *Bristol Airport - BRS/EGGD*

Part AR Appendix 1 Terms of Approval	Delete	There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.
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response

Noted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the

certificate more flexibility as to its form.
 'Terms of the certificate' means the following:

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- Types of approach procedures provided
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- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment *1162* comment by: *Avinor*

Appendix I - Terms of approval (Approved aircraft type(s) above aerodrome Reference code). Delete. "Approved aircraft type(s) above aerodrome Reference code" should not be a part of the terms of the approval for the aerodrome, aircraft types change and an approval for operation of larger aircraft is required in art ADR.OR.C.010 and that is sufficient.

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment *1167* comment by: *Avinor*

Appendix I - Terms of Approval (Provision of apron management services). Delete. Provision of Apron Management Services should not be one of the terms of the approval.

response

Not accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- ICAO location indicator
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- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

1168

comment by: *Avinor*

Appendix I - Terms of Approval (Fuel provision at the aerodrome). Delete. Fuel provision at the aerodrome should not be one of the terms of the approval.

We suggest to delete it from Appendix I - Terms of Approval on page 33. Reasoning: Most changes in fuel provision are not safety critical to this extent for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.

response

Accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima

- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 1169 comment by: Avinor

Appendix I - Terms of approval (Operative minima). Delete. "Operative minima" should not be one of the terms of the approval. We suggest to delete it from Appendix I - Terms of Approval on page 33. This information is available in the AIP and the minimas will differ with the different procedures and operators.

response *Not accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 1243 comment by: Gatwick Airport Ltd

Part AR Appendix 1 Terms of Approval

Delete.

Justification

There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a

"terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

1265

comment by: *Blackpool Airport - BLK/EGNH*

Part AR Appendix I Terms of Approval : There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate

response

Partially accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

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- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment	<p>1304 comment by: CAA Norway</p>
	<p>Provision of Apron Management Services should not be one of the terms of the approval! We suggest to delete it from Appendix I - Terms of Approval on page 33.</p>
response	<p><i>Partially accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	<p>1305 comment by: CAA Norway</p>
	<p>"Operative minima" should not be one of the terms of the approval. We suggest to delete it from Appendix I - Terms of Approval on page 33.</p>
response	<p><i>Not accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code

	letter	<ul style="list-style-type: none"> · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	1680	comment by: <i>Swedish Transport Agency</i> Appendix I "Operative minima" should not be one of the terms of the approval. We suggest to delete it from Appendix I - Terms of Approval on page 33.
response	<i>Not accepted</i>	<p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code <p>letter</p> <ul style="list-style-type: none"> · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	1681	comment by: <i>Swedish Transport Agency</i> In Appendix I - Terms of approval on page 33 we suggest to add lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval. (A tick box can be inserted on this form to indicate that descriptions of those items are attached to the certificate)
response	<i>Noted</i>	<p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the</p>

certificate more flexibility as to its form.
 'Terms of the certificate' means the following:

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- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 1682 comment by: *Swedish Transport Agency*

Appendix I - Terms of Approval (Fuel provision at the aerodrome) Fuel provision at the aerodrome should not be one of the terms of the approval. We suggest to delete it from Appendix I - Terms of Approval on page 33.

response *Accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 1683 comment by: *Swedish Transport Agency*

Appendix I - Terms of Approval (Provision of apron management services) Provision of Apron Management Services should not be one of the terms of the approval! We suggest to delete it from Appendix I - Terms of Approval on page 33.

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Aerodrome operating minima
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- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

1684

comment by: *Swedish Transport Agency*

APPENDIX I and II. It is not relevant to include "Type of approaches", which are issues for operation of aircraft (flight operations). The same applies to DA/DH and MDA/MDH, which are established by the operators based on the applicable obstacle clearance height. A similar concern applies to inclusion of RVR, which is derived from the OPS regulations and part of the aerodrome operating minima, which are established by the operator based on a method which is approved by the state of the operator (detta är enl Annex 6, stammer det med EASA OPS?). If anything similar was to go into the "Terms of Approval", the type of runway could be inserted (Precision Approach runway, Category I, etc could be inserted.

response

Partially accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Aerodrome operating minima
- Aerodrome Reference Code

- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 1685 comment by: *Swedish Transport Agency*

APPENDIX I and II. VFR, IFR are not adequate and are not used in Annex 14. Should be VMC and IMC. The flight rules are not important to aerodrome usage, the met conditions might be. Cat IIIC not used anywhere, completely obsolete.

response *Noted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 1781 comment by: *UK CAA*

Page No: 33

Paragraph No: ANNEX I – Part-AR APPENDIX I

Comment: The Terms of Approval are too prescriptive to be used as the main basis for changes requiring competent authority approval. It should be changed to include only those subjects that describe the physical characteristics and operation of the aerodrome that would require competent authority approval prior to any change. Therefore, the following changes are suggested:

- (a) The form should include a reference to the CB to allow the competent authority to manage the changes to the physical characteristics.

(b) It should not include nominated persons other than the accountable manager – aerodromes should be free to determine the management structure that meets their needs. Additionally, in other domains specific titles are included, as they usually are linked to specific qualifications or licences that are required for those posts. This is not the case in the aerodrome domain.

(c) It should not include fuel provision as certification is not dependent on fuel being provided.

Justification: The Terms of Approval sheet is a record of those subjects that require competent authority approval prior to any change. It should not be confused with information included in the AIP. Failure to include approval for changes to physical characteristics could compromise aerodrome safety.

Proposed Text: Text on fuel provision should be DELETED. On other changes, we have used *** to highlight the differences.

TERMS OF APPROVAL	
Certificate reference: [STATE CODE] : xxxxx	[MEMBER STATE]
Aerodrome name – Location indicator:	xxxxx
Operating conditions:	<i>Day</i>
	<i>Night</i>
	<i>VFR only</i> <i>IFR only</i> <i>VFR/IFR</i>
Runway designation – Declared distances	<i>ASDA:</i> <i>LDA:</i> <i>TODA:</i> <i>TORA:</i>
Type of approaches:	<i>Non-instrument</i> <i>Instrument</i> <i>Non-precision approach</i> <i>Precision approach</i> · <i>Precision Approach Category I</i> · <i>Lower than Standard Category I</i> · <i>Precision Approach Category II</i> · <i>Other than Standard Category II</i> · <i>Precision Approach Category III-A</i>

	<ul style="list-style-type: none"> · Precision Approach Category III-B · Precision Approach Category III-C
Operating minima:	DA/DH — MDA/MDH Visibility/RVR
Aerodrome reference code:	Code number/Code letter:
Approved aircraft type(s) above aerodrome reference code:	
Provision of apron management services:	Specify name of service provider:
Rescue and fire-fighting category	
*** Certification Basis:***	***Agreed Certification Basis ***
Appointed / nominated persons:	***Accountable manager: ***
Other:	

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment *1857*

comment by: *Stansted Airport*

Part AR Appendix 1 Terms of Approval

	<p>Delete</p> <p>There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.</p>
response	<p><i>Not accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	<p>2028 comment by: <i>Airport Operators Association</i></p> <p>Part AR Appendix 1 Terms of Approval This should be deleted. Justification - There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.</p>
response	<p><i>Not accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima

- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

2312

comment by: AENA - Aeropuertos Españoles y Navegación Aérea

The certificate contains some informations that implies frequent and unuseful amendments, which can induce unnecessary administrative burden (information to be updated). The information which should not be in the certificate is:

- the operating minima
- the appointed/nominated persons (who can change and are already mentioned in the aerodrome manual)
- the aerodrome reference code (which is unuseful as a taxiway can be dimensioned for a specific aircraft) : the more stringent aeroplane(s) would be more appropriate, or nothing; it should be noticed that such aeroplanes are not "approved" as written in this appendix. Moreover this information is not relevant for some specifications like holding points or the level of protection for RFF. It is highlighted that there were strong debates on this points within ICAO, and a lot of States and ACI and ICCAIA were in favour of deleting it, even if some isolated States wanted to maintain it – see comment on AD reference code;
- The types of approaches
- the provision of apron management services, which are not are not always subcontractors of the aerodrome
- the fuel provision which can change and is already indicated in AIP.
-

Moreover, it is not appropriate to quote the "rescue and fire fighting category" but the "Rescue and fire fighting level of protection" would be more appropriate.

It is proposed the following modifications of:

- **Appendix I part AR page 32-33:**

"[...]"

~~Type of approaches~~

~~Operating minima~~

~~Aerodrome reference code~~

~~Approved aircraft types above aerodrome reference code~~ **more demanding aeroplanes**

~~Provision of apron management services~~

~~Rescue and fire fighting category~~ **level of protection**

~~Fuel provision at the aerodrome~~

~~Appointed/nominated persons~~

"[...]"

response

Noted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer

an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

2476

comment by: *East Midlands Airport - EMA/EGNX*

Delete

Justification: There is no need to specify all the details in the proposed Terms of Approval. This detail should already be in the Aerodrome Manual and does not need including again with the Certificate.

response

Not accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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comment

2500 ❖

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.B.005 — Management system (p20)
- ANNEX I - Part-AR - Appendix I to ADR.AR.C.035 — Certificate (p32-33)
- ANNEX I - Part-AR - Appendix II to ADR.AR.C.035 — Certificate (p34 to 36)
- ANNEX II - Part-OR - ADR.OR.D.005 — Management (p49-50)

The above rules are affected and should be revised, however, this list could not be considered exhaustive: related AMCs should be revised accordingly

2. Justification and proposed text / comment

This comment is critical and linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)

Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections *in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*" Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States nor the operators to have **a specific function to monitor compliance**.

Nobody should not respect regulation and law, this function has no added value.

Moreover, for the aerodrome operator, the function to "monitor compliance" is already dealt with within their SMS, but a specific function is not necessary.

It is asked to EASA to delete the notion of compliance monitoring for both aerodrome operators and authorities. The above rules are affected and should be revised, however, this list could not be considered exhaustive

Consequently it is proposed to:

- **delete sub paragraphs (a) (4) and (a) (5) in ADR.AR.B.005 — Management system**
- **delete the reference to "compliance monitoring" in Appendices I and II to ADR.AR.C.035 — Certificate;**
- **delete sub paragraph (d) in ADR.OR.D.005 — Management;**

response

Not accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

2550

comment by: *AENA - Aeropuertos Españoles y Navegación Aérea*

The aerodrome reference code is a planning design tool only and is not pertinent for daily operations. Referring to it in the aerodrome certificate is not necessary and even may be confusing because there can be several "reference codes" depending on the infrastructure (example: a taxiway used for some types of aeroplanes only).

(Already mentioned in ICAO PANS Aerodromes Study Group)

The reference to the "aerodrome reference code" in the certificate is not pertinent. DGAC proposes to delete it:

"APPENDIX I , APPENDIX II

...

TERMS OF APPROVAL

...

~~Aerodrome reference code: Code number/Code letter~~

"

response

Not accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 2613 comment by: *Infratil Airports Europe Ltd*

Page No: 33

Paragraph No: Terms of Approval

Comment: There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.

response *Not accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 2614 comment by: *Infratil Airports Europe Ltd*

Document Reference: Annex I – Part AR - Appendix 1 Terms of Approval (BI)

Page No: 33

Paragraph No: Terms of Approval

Comment: Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance". These are too detailed. All that is needed is the Accountable Manager.

response *Not accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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comment 2665 comment by: *HIA - Highlands and Islands Airports Limited*

Nominated Persons - remove all except Accountable Manager

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code

letter

- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 2699 comment by: *LJL Airport - Liverpool John Lennon Airport*

Part AR Appendix 1 Terms of Approval	Delete	There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.
--------------------------------------	--------	--

response *Not accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code

letter

- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 2733 comment by: *Aberdeen Airport Airside Operations*

Part AR Appendix 1 - **Terms of approval**

Delete

There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome manual and does not need including with the Certificate

response *Not accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate"

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- Any other information found necessary to be included by the Competent Authority.

comment	2759 comment by: TAG Farnborough Airport Ltd
	The terms of approval appear to be too detailed. Most of this information should be contained in the Aerodrome Manual.
response	<i>Partially accepted</i>
	<p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	2870 comment by: Swedavia AB - Swedish airports (currently 11 airports)
	Appendix I - Terms of Approval (Provision of apron management services). Delete. Provision of Apron Management Services should not be one of the terms of the approval.

Appendix I - Terms of Approval (Fuel provision at the aerodrome). Delete. Fuel provision at the aerodrome should not be one of the terms of the approval.

We suggest to delete it from Appendix I - Terms of Approval on page 33. Reasoning: Most changes in fuel provision are not safety critical to this extent for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.

Appendix I - Terms of approval (Operating minima). Delete. "Operating minima" should not be one of the terms of the approval. We suggest to delete it from Appendix I - Terms of Approval on page 33. This information is available in the AIP and the minimas will differ with the different procedures and operators.

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Provision of apron management services (yes/no)
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comment 2980

comment by: *Norwich International Airport*

Part AR Appendix 1 Terms of Approval

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response *Not accepted*

Please note that the idea of a certificate form and the related idea of a

"terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

2999

comment by: *Roskilde Airport*

Roskilde Airport (EKRK):
Individual persons should not appear on the approval certificate.
Justification:

It seems as overadministration to have to apply for certificate renewal each time one of the mentioned positions change.

Suggestion:

Have the nominated persons appear in the aerodrome manual instead, and use the EASA form 4 system to approve/reject persons in the mentioned positions.

response

Partially accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 3001 comment by: Roskilde Airport

Roskilde Airport (EKRK):
Change word "category" to plural (i.e. "categories")
Justification:
Many aerodromes are approved to multiple RFFS categories.

response *Noted*
Now that the model became GM you can make such changes yourself.

comment 3129 comment by: Isavia

Provision of Apron Management Services should not be one of the terms of the approval!
We suggest deleting it from Appendix I - Terms of Approval on page 33.

response *Partially accepted*
Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.
Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.
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- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 3130 comment by: Isavia

Fuel provision at the aerodrome should not be one of the terms of the approval.
We suggest deleting it from Appendix I - Terms of Approval on page 33.
Reasoning: Most changes in fuel provision are not safety critical to this extent for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his

	<p>aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.</p>
response	<p><i>Accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	<p><i>3131</i> comment by: <i>Isavia</i></p> <p>Appendix I - Terms of approval (Operative minima). Delete. "Operative minima" should not be one of the terms of the approval. We suggest to delete it from Appendix I - Terms of Approval on page 33. This information is available in the AIP and the minima</p>
response	<p><i>Noted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code

	letter	<ul style="list-style-type: none"> · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	3252	comment by: <i>London Biggin Hill Airport</i> Part AR Appendix 1 Terms of Approval This should be deleted as there is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.
response	<i>Not accepted</i>	<p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code <p>letter</p> <ul style="list-style-type: none"> · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	3264	comment by: <i>CAA SR</i> In the Terms of approval in the lines "Type of approaches" and "Aerodrome reference code" add comment "for each RWY in both direction". In the Terms of approval delete the line "Operating minima". Operating minima are mostly related to provision of navigation services and operational procedures of aircraft operators (based on training and aircraft equipment) and may be changed without any operational change in aerodrome equipment, facility or procedurs. In the Terms of approval in the line "Fuel provision at the aerodrome" add Type of fuel.
response	<i>Accepted</i>	

GM model for the new "Terms of the certificate" has been done this way.

comment	<p>3466 comment by: <i>Fraport AG</i></p> <p>Appendix I</p> <p>Editorial</p> <p>Delete the table for "Terms of Approval"</p> <p>Fraport AG: There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.</p>
response	<p><i>Partially accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.

ANNEX I - Part AR - APPENDIX II

p. 34-36

comment	<p>78 comment by: <i>CAA Norway</i></p> <p>We suggest rewording in Appendix II on page 34, under [COMPANY NAME AND ADDRESS], at end of 1st para.: "..the approved parts of the Aerodrome Manual."</p>
response	<p><i>Noted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer</p>

an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Provision of apron management services (yes/no)
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- Any other information found necessary to be included by the Competent Authority.

comment

113

comment by: Flughafen Düsseldorf GmbH

[NAME OF AERODROME2][g1]

[g1]Welcher Sinn steckt hinter der Zweiteilung zwischen "Flughafen" und "Flughafenbetreiber"? Kann ein unzuverlässiger, nicht zertifizierter Flughafenbetreiber trotzdem einen zertifizierten Flughafen betreiben?

response

Not accepted

The option of the single certificate and the dual certificate had to be provided per law. Of course this is for the Member State to allow or not. It goes without saying that a certified airport needs a certified operator if this option were to be chosen.

comment

137

comment by: CAA Norway

Fuel provision at the aerodrome should not be one of the terms of the approval.

We suggest to delete it from Appendix II - Terms of Approval on page 36. Reasoning: Most changes in fuel provision are not safety critical to this extend for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.

response

Accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of

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- Scope of aircraft operations with higher aerodrome reference code letter
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- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

166

comment by: CAA-NL

Part of the terms of approval form is the issue – operating minima. In the Netherlands DA/DH, MDA/MDH and visibility/RVR values are not determined by the competent authority. In the Netherlands the competent authority determines the OCA/OCH values. These values are published in the AIP. Each operator uses these values to calculate the DA/DH and MDA/MDH. Furthermore these values can vary depending on existing and new obstacles. We suggest to delete the part – operating minima in Appendix I and II.

response

Noted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment	<p>267 comment by: CAA Norway</p> <p>We suggest to add lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval in Appendix II on page 34. (A tick box can be inserted in this form to indicate that descriptions of those items are attached to the certificate) Changes in these systems are highly safety critical and should be approved by the competent authority.</p>
response	<p><i>Noted</i></p> <p>The CB, therefore all infrastructure parts of the aerodrome, is considered to be included under the certificate. See ADR.AR.C.035.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	<p>296 comment by: BAA Airside operations</p> <p>Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance"</p> <p>These are too detailed. All that is needed is the Accountable Manager.</p> <p>Terms of Approval - Delete</p> <p>There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.</p>
response	<p><i>Partially accepted</i></p> <p>Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p>

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

349

comment by: *Danish Transport Authority*

Aerodrome operator Certificate shall not include the names of the NPH or the Apron management service. NPHs are included in the approval part of the aerodrome manual. Apron Management service has a declaration and the copy is included in the list of approvals in aerodrome manual. Again the the Terms of Approval form must only reflect the main infrastructure of the aerodrome. We suggest to have a form with headlines like - runway classification (including reference code, type of approach), declared distances and lighting system. All other suggested categories in the terms of approval form are subject to approval in the aerodrome manual and in the certification basis including ELOS, SC, DAAD. See further comments under Appendix I.

response

Partially accepted

Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Aerodrome operating minima

- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment	392	comment by: <i>Edinburgh Airport</i>
	<p>PART AR Appendix II - Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance" Justification - These are too detailed. All that is needed is the Accountable Manager.</p>	
response	<p><i>Partially accepted</i></p> <p>Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority. 	

comment	393	comment by: <i>Edinburgh Airport</i>
	<p>PART AR Appendix II Terms of approval - Delete Justification - There is no need to specify all the details in the proposed terms of approval. This detail should be in the Aerodrome manual and does not need including in the certificate.</p>	
response	<p><i>Partially accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a</p>	

"terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment	<p>504 <i>comment by: Icelandic Civil Aviation Administration</i></p> <p>We suggest rewording in Appendix II on page 34, under [COMPANY NAME AND ADDRESS], at end of 1st para.: "..the approved parts of the Aerodrome Manual."</p>
response	<p><i>Partially accepted</i></p> <p>The approach to the approval of the manual has changed. Please see the new ADR.AR.C.035.</p>

comment	<p>505 <i>comment by: Icelandic Civil Aviation Administration</i></p> <p>We suggest to add lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval in Appendix II on page 36. (A tick box can be inserted in this form to indicate that descriptions of those items are attached to the certificate)</p> <p>Changes in these systems are highly safety critical and should be approved by the competent authority.</p>
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response	<p><i>Noted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p>
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- ICAO location indicator
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- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment **506** comment by: *Icelandic Civil Aviation Administration*

"Approved aircraft type(s) above aerodrome Reference code" should not be a part of the terms of the approval for the aerodrome, acft types change and an approval for operation of larger aircraft is required in art ADR.OR.C.010 and that is sufficient.

response *Noted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment **507** comment by: *Icelandic Civil Aviation Administration*

Provision of Apron Management Services should not be one of the terms of the approval!
We suggest to delete it from Appendix II - Terms of Approval on page 36.

response *Not accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has

become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Any other information found necessary to be included by the Competent Authority

comment

508

comment by: *Icelandic Civil Aviation Administration*

Fuel provision at the aerodrome should not be one of the terms of the approval.

We suggest to delete it from Appendix II - Terms of Approval on page 36. Reasoning: Most changes in fuel provision are not safety critical to this extend for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.

response

Accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Any other information found necessary to be included by the Competent

Authority

comment

546

comment by: *Estonian CAA*

We suggest to add lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval in Appendix II on page 34.
(A tick box can be inserted in this form to indicate that descriptions of those items are attached to the certificate)
Changes in these systems are highly safety critical and should be approved by the competent authority.

response

Noted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Any other information found necessary to be included by the Competent Authority.

comment

547

comment by: *Estonian CAA*

Fuel provision at the aerodrome should not be one of the terms of the approval.

We suggest to delete it from Appendix II - Terms of Approval on page 34.

Reasoning: Most changes in fuel provision are not safety critical to this extend for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.

response

Accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate"

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comment	579	comment by: <i>Belfast International Airport - BFS/EGAA</i>
	Strongly agree	
response	<i>Noted</i>	

comment	649	comment by: <i>Exeter International Airport</i>
	Part AR Appendix II : Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance". These are too detailed. All that is needed is the Accountable Manager.	
response	<p><i>Partially accepted</i></p> <p>Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection 	

- Any other information found necessary to be included by the Competent Authority.

comment 650 comment by: *Exeter International Airport*

Part AR Appendix II Terms of Approval : There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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comment 747 comment by: *Finnish Transport Safety Agency*

We suggest to add lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval in Appendix II on page 36. (A tick box can be inserted in this form to indicate that descriptions of those items are attached to the certificate) Changes in these systems are highly safety critical and should be approved by the competent authority.

response *Noted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Any other information found necessary to be included by the Competent Authority.

comment

749

comment by: *Finnish Transport Safety Agency*

Fuel provision at the aerodrome should not be one of the terms of the approval.

We suggest to delete it from Appendix II - Terms of Approval on page 36. Reasoning: Most changes in fuel provision are not safety critical to this extend for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.

response

Accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority

comment

819 ❖

comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- ANNEX I - Part-AR - Appendix I to ADR.AR.C.035 — Certificate (p32-33)
- ANNEX I - Part-AR - Appendix II to ADR.AR.C.035 — Certificate (p34 to 36)

2. Justification and proposed text / comment

The certificate contains some information that implies frequent and useless amendments, which can induce unnecessary administrative burden (information to be updated). The information which should not be in the certificate is:

- the operating minima
- the appointed/nominated persons (who can change and are already mentioned in the aerodrome manual)
- the aerodrome reference code (which is useless as a taxiway can be dimensioned for a specific aircraft) : the more stringent aeroplane(s) would be more appropriate, or nothing; it should be noticed that such aeroplanes are not "approved" as written in this appendix. Moreover this information is not relevant for some specifications like holding points or the level of protection for RFF. DGAC France highlights that there were strong debates on this points within ICAO, and a lot of States and ACI and ICCAIA were in favour of deleting it, even if some isolated States wanted to maintain it – see comment on AD reference code;
- The types of approaches (linked with DGAC France comments on the definitions of LVP in the cover regulation article 2 and on AMC-ADR-OPS.B.045)
- the provision of apron management services, which are not are not always subcontractors of the aerodrome operator (in CDG, the apron management service is not subcontractor of the aerodrome but of ATC) (see comment on Apron Management Services)
- the fuel provision which can change and is already indicated in AIP.

Moreover, it is not appropriate to quote the "rescue and fire fighting category" but the "Rescue and fire fighting level of protection" would be more appropriate. (see comments on RFF)

DGAC proposes the following modifications of:

- Appendix I part AR page 32-33:

"[...]"

~~Type of approaches~~

~~Operating minima~~

~~Aerodrome reference code~~

~~Approved aircraft types above aerodrome reference code~~ **more demanding aeroplanes**

~~Provision of apron management services~~

~~Rescue and fire fighting category~~ **level of protection**

~~Fuel provision at the aerodrome~~

~~Appointed/nominated persons~~

"[...]"

- Appendix II to ADR.AR.C.035 - part AR page 34 to 36:

"[...] the aerodrome certification basis, the terms of approval attached to the aerodrome certificate and its approved aerodrome manual ~~and the following appointed / nominated persons:~~

~~– Accountable manager~~

~~– Safety management~~

~~– Compliance monitoring~~

~~– Aerodrome operational services and maintenance~~

~~Apron management services are provided by [specify name of service provider]~~

~~[...]~~

~~– Type of approaches~~

~~– Operating minima~~

~~– Aerodrome reference code~~

~~– Approved aircraft types above aerodrome reference code~~ **more demanding aeroplanes**

~~– Rescue and fire fighting category~~ **level of protection**

~~– Fuel provision at the aerodrome~~

~~[...]"~~

response *Noted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority

comment 938 ❖ comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I – Part-AR – APPENDIX I (p32-33)
- ANNEX I – Part-AR – APPENDIX II (p34)

2. Justification and proposed text / comment

The aerodrome reference code is a planning design tool only and is not pertinent for daily operations. Referring to it in the aerodrome certificate is

not necessary and even may be confusing because there can be several "reference codes" depending on the infrastructure (example: a taxiway used for some types of aeroplanes only).

(Already mentioned in ICAO PANS Aerodromes Study Group)

The reference to the "aerodrome reference code" in the certificate is not pertinent. DGAC proposes to delete it:

"APPENDIX I , APPENDIX II

...

TERMS OF APPROVAL

...

Aerodrome reference code: *Code number/Code letter*

"

response

Noted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority

comment

1004

comment by: *Avinor*

Part AR Appendix II. Delete "safety management", "compliance monitoring" and "aerodrome operational services and maintenance". These are too detailed. All that is needed is the Accountable Manager.

response

Partially accepted

Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of

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- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

1006

comment by: *Avinor*

Part AR Appendix II Terms of Approval. Delete. There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.

response

Partially accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Types of approach procedures provided
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- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority

comment

1033 ❖

comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- A. Explanatory Note - II. Process and scope (p5,6): note 2

- Draft Commission Regulation (p2-5): §12
- ANNEX I - Part-AR - ADR.AR.C.005 — Oversight (p23)
- ANNEX I - Part-AR - ADR.AR.C.050 — Declarations of providers of apron management services (p27-28)
- ANNEX I - Part AR - APPENDIX I (p32-33)
- ANNEX I - Part AR - APPENDIX II (p34-36)
- ANNEX II - Part-OR - ADR.OR.B.060 — Declaration of providers of apron management services (p43-44)
- ANNEX II - Part-OR - APPENDIX II (p61-62)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem (p3)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.C.005 — Oversight (p18)
- AMC/GM to ANNEX II — Part-OR — AMC2-ADR.OR.E.005 — Aerodrome manual (p109-114) - part E - 16

2. General comment

This comment is **critical**.

As it is said in the explanatory note (*II. Process and scope, note 2, pages 5-6*), the Agency did not undertake the development of safety rules for apron management services but later on will initiate a joint group with ATM. However, some procedural rules related to those services are included in the proposed rules.

DGAC considers it is essential to provide the flexibility needed to conduct further debates that will take place in the given joint group.

In particular, the connection between the aerodrome operator and providers of apron management service can not be established without further debates. Indeed, providers of apron management services, when existing, can be independent from the aerodrome operator, with arrangements between these two entities. For example in CDG airport, providers of apron management services are not subcontractors of the CDG operator. Moreover, there is a risk of inconsistency with what will be proposed by the joint group that will propose draft regulation on that point.

Therefore, the procedural rules included in the proposed implementing rules and corresponding AMC/GM shall remain at a high level stage only.

The provisions of the NPA that would consequently need to be revised are dealt with case by case in the proposed texts/comments below:

3. Justification and proposed texts / comments

- This comment is linked with comment 23 in Explanatory Note and 793 in book II.

ADR.AR.C.005 — Oversight: Paragraph (a)(2)

DGAC understands the certification basis is not applicable to providers of apron management services, but it's not clear in paragraph (a)(2) of ADR.AR.C.005.

Providers of apron management services declare their compliance to applicable requirements only, thus the proposed change:

"(a) [...]"

(2) *continued compliance, with the certification basis and/or applicable requirements [...]"*

- ADR.AR.C.050 — Declarations of providers of apron management

services

Considering what is said in the general comment just above and the fact that providers of apron management services are not subcontractors of the aerodrome operator, it would be inappropriate, when the competent authority has to notify something to the apron management services, to systematically notify it also to the aerodrome operator. Moreover, this could induce more delays to solve the problem as it could be understood that the corrective action is to be done by other entities.

Finally, as this is not a requirement, the wording "if required" should be replaced by "when deemed necessary".

Thus DGAC proposes to modify paragraph (b) of ADR.AR.C.050 as follows: *"If the declaration does not contain the required information, or contains information that indicates non-compliance with applicable requirements, the competent authority shall notify the provider of apron management services about the non-compliance and request further information. and If deemed necessary, the competent authority can address a copy of this notification to the aerodrome operator about the non-compliance and request further information. If required-deemed necessary, the competent authority shall carry out an inspection of the provider of apron management services and the aerodrome operator. If the non-compliance is confirmed, the competent authority shall take action as defined in ADR.AR.C.055 towards the apron management service"*

· Part AR - APPENDIX I and APPENDIX II

The name of the provider of apron management service should not be part of the certificate of the aerodrome operator because they can be independent.

APPENDIX I

"[...]

TERMS OF APPROVAL	
Provision of apron management services:	Specify name of service provider

[...]"

APPENDIX II

"[...]

~~Apron management services are provided by [specify name of service provider].~~

[...]"

· ADR.OR.B.060 — Declaration of providers of apron management services

Paragraph (a): DGAC doesn't understand the pertinence of having an agreement with an aerodrome operator.

~~"(a) The provider of apron management services, following an agreement with an aerodrome operator for the provision of such services at an aerodrome, shall:"~~

Paragraph (a)(5): DGAC finds this provision goes too far. Moreover, nobody will verify that the provider of apron management service complies with the aerodrome manual; in particular it's absolutely not the aerodrome operator's task.

~~"(5) provide its services in accordance with the aerodrome manual and comply with all relevant provisions contained therein"~~

Paragraph (b): DGAC doesn't understand the pertinence of notifying the aerodrome operator when ceasing activity.

"(b) Before ceasing the provision of such services, the provider of apron management services shall notify the competent authority ~~and the aerodrome operator.~~"

· Part-OR - APPENDIX II

In order to be clearer, DGAC proposes to clarify that these declarations of the providers of apron management services are declarations "of compliance" (see the proposed titles below).

Moreover, it is essential to delete *"The service is provided in accordance with the content of the relevant aerodrome manual"* as this is absolutely not high level and as it may induce a risk of inconstancy with the future rules on apron management services.

"Appendix II to Annex II

Declaration of compliance

In accordance with Commission Regulation (EC) No XXX/2013 laying down requirements and procedures related to aerodromes pursuant to Regulation (EC) No 216/ 2008 of the European Parliament and of the Council

[...]

~~ø The service is provided in accordance with the content of the relevant aerodrome manual.~~

[...]

ø (If applicable) The operator has implemented and demonstrated conformance to an officially recognised industry standard.

Reference of the standard: Certification body:

Date of the last conformance audit:

[...]

· AMC1-ADR.AR.A.030(d) – Immediate reaction to a safety problem

AMC1-ADR.AR.A.030(d) is to be deleted:

~~**"AMC1-ADR.AR.A.030(d) – Immediate reaction to a safety problem NOTIFICATION OF MEASURES**~~

~~*In case that the competent authority directs a measure to a provider apron management services, then these measures should also be notified to the aerodrome operator."*~~

· AMC1-ADR.AR.C.005 – Oversight

High level provisions in this NPA state that apron management services shall provide a declaration to the competent authority when appropriate. But the oversight of the "continued competence" goes beyond this statement and therefore merits further debates.

Moreover, the word "qualified" should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions.

Thus the following proposed changes to this AMC:

AMC1-ADR.AR.C.005 – Oversight

"GENERAL

(a) *The competent authority should assess the aerodrome operator and monitor its continued competence to conduct safe operations in compliance with the applicable requirements and the certification basis. Similarly, the competent authority should monitor the continued competence of providers of apron management services. The competent authority should ensure that accountability for assessing and monitoring aerodrome operators as well as providers apron management services is clearly defined. This accountability may be delegated or shared, in whole or in part.*

(b) *It is essential that the competent authority shall have the full capability to adequately assess the continued competence of an aerodrome operator or a provider of apron management services by ensuring that the whole range of activities is assessed by appropriately qualified trained personnel."*

· AMC2-ADR.OR.E.005 — Aerodrome manual

AMC2-ADR.OR.E.005 includes in the aerodrome manual the procedures for apron management. This is not high level provision and strongly needs further debates, because the relevancy of having apron management procedures in the aerodrome manual is not proven.

For instance, it is possible to imagine a system where the providers of apron management service have their own procedures and the aerodrome operator has nothing to do with them. Chapter 16 of part E of the structure of the aerodrome manual is to be deleted.

Note: DGAC also proposes to put the content of this AMC to GM because of the high level of details that doesn't fit to all organization. See comment xx.

"AMC2GM1-ADR.OR.E.00510 – Structure of aerodrome manual

[...]

16. Procedures for apron management including:

16.1 transfer of the aircraft between air traffic control and the apron management unit;

16.2 allocation of aircraft parking positions;

16.3 engine start and aircraft push-back;

16.4 marshalling and follow-me service.

[...]"

response Not accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code

- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority

comment 1060 comment by: Bristol Airport - BRS/EGGD

Part AR Appendix II	Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance"	These are too detailed. All that is needed is the Accountable Manager.
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response Partially accepted

Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 1063 comment by: Bristol Airport - BRS/EGGD

Part AR Appendix II Terms of Approval	Delete	There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.
---------------------------------------	--------	--

response Partially accepted

Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

1172

comment by: *Avinor*

Appendix II - Terms of approval (Approved aircraft type(s) above aerodrome Reference code). Delete. "Approved aircraft type(s) above aerodrome Reference code" should not be a part of the terms of the approval for the aerodrome, aircraft types change and an approval for operation of larger aircraft is required in art ADR.OR.C.010 and that is sufficient.

response

Partially accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection

· Any other information found necessary to be included by the Competent Authority

comment

1176

comment by: *Avinor*

Appendix II - Terms of Approval (Provision of apron management services). Delete. Provision of Apron Management Services should not be one of the terms of the approval. We suggest to delete it from Appendix II - Terms of Approval on page 36.

response

Partially accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority

comment

1179

comment by: *Avinor*

Appendix II - Terms of Approval (Fuel provision at the aerodrome). Delete. Fuel provision at the aerodrome should not be one of the terms of the approval. We suggest to delete it from Appendix II - Terms of Approval on page 34.

Reasoning: Most changes in fuel provision are not safety critical to this extend for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.

response

Accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of

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- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority

comment *1182* comment by: *Avinor*

Appendix II - Terms of Approval (Operative minima). Delete. "Operative minima" should not be one of the terms of the approval. We suggest to delete it from Appendix I - Terms of Approval on page 33. This information is available in the AIP and the minimas will differ with the different procedures and operators.

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

'Terms of the certificate' means the following:

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- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority

comment *1244* comment by: *Gatwick Airport Ltd*

Part AR Appendix II

Delete "safety management" "compliance monitoring" and "aerodrome

	<p>Justification</p> <p>These are too detailed. All that is needed is the Accountable Manager.</p>
response	<p><i>Partially accepted</i></p> <p>Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	<p>1245 comment by: <i>Gatwick Airport Ltd</i></p> <p>Part AR Appendix II Terms of Approval</p> <p>Delete</p> <p>Justification</p> <p>There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.</p>
response	<p><i>Partially accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the</p>

certificate more flexibility as to its form.
 'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approach procedures provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority

comment 1266 comment by: *Blackpool Airport - BLK/EGNH*

Part AR Appendix II : Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance". These are too detailed. All that is needed is the Accountable Manager.

response *Partially accepted*

Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment 1267 comment by: *Blackpool Airport - BLK/EGNH*

Part AR Appendix II Terms of Approval : There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.

response	<p><i>Partially accepted</i></p> <p>Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VFR/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	<p>1398 comment by: <i>Brussels Airport - BRU/EBBR</i></p> <p>I support the inclusion of the names of the nominated post holders.</p>
response	<p><i>Noted</i></p>
comment	<p>1686 comment by: <i>Swedish Transport Agency</i></p> <p>We suggest rewording in Appendix II on page 34, under [COMPANY NAME AND ADDRESS], at end of 1st para.: ".the approved parts of the Aerodrome Manual."</p>
response	<p><i>Partially accepted</i></p> <p>The approach to the approval of the manual has changed. Please see the new ADR.AR.C.035.</p>
comment	<p>1687 comment by: <i>Swedish Transport Agency</i></p> <p>APPENDIX I and II. VFR, IFR are not adequate and are not used in Annex 14. Should be VMC and IMC. The flight rules are not important to aerodrome usage, the met conditions might be. Cat IIIC not used anywhere, completely obsolete.</p>
response	<p><i>Not accepted</i></p>

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority

comment

1688

comment by: *Swedish Transport Agency*

Appendix II - Terms of approval. We suggest to add lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval in Appendix II on page 34.

(A tick box can be inserted in this form to indicate that descriptions of those items are attached to the certificate)

response

Noted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment	<p>1689 comment by: <i>Swedish Transport Agency</i></p> <p>Appendix II - Terms of Approval (Fuel provision at the aerodrome). Fuel provision at the aerodrome should not be one of the terms of the approval. We suggest to delete it from Appendix II - Terms of Approval on page 34.</p>
response	<p><i>Accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority
comment	<p>1690 comment by: <i>Swedish Transport Agency</i></p> <p>Provision of Apron Management Services should not be one of the terms of the approval! We suggest to delete it from Appendix II - Terms of Approval on page 36.</p>
response	<p><i>Partially accepted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima

- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority

comment *1735* comment by: *CAA Norway*

Provision of Apron Management Services should not be one of the terms of the approval. We suggest to delete it from Appendix II - Terms of Approval on page 36.

response *Partially accepted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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- Any other information found necessary to be included by the Competent Authority

comment *1861* comment by: *Stansted Airport*

Part AR Appendix II

Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance"

These are too detailed. All that is needed is the Accountable Manager.

response *Partially accepted*

Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

comment

1869

comment by: *Stansted Airport*

Part AR Appendix II Terms of Approval

Delete

There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.

response

Partially accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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comment	<p>2029 comment by: <i>Airport Operators Association</i></p> <p>Part AR Appendix II Delete "safety management", "compliance monitoring" and "aerodrome operational services and maintenance" Justification - These are too detailed. All that is required is the Accountable Manager.</p> <p>Part AR Appendix II Terms of Approval This should be deleted.</p>
response	<p><i>Partially accepted</i></p> <p>Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.
comment	<p>2031 comment by: <i>Airport Operators Association</i></p> <p>Part AR Appendix II Delete "safety management", "compliance monitoring" and "aerodrome operational services and maintenance" Justification - These are too detailed. All that is required is the Accountable Manager.</p> <p>Part AR Appendix II Terms of Approval This should be deleted. Justification - There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.</p>
response	<p><i>Partially accepted</i></p> <p>Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.</p>

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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comment

2314

comment by: AENA - Aeropuertos Españoles y Navegación Aérea

"[...] the aerodrome certification basis, the terms of approval attached to the aerodrome certificate and its approved aerodrome manual and the following appointed / nominated persons:

~~– Accountable manager~~

~~– Safety management~~

~~– Compliance monitoring~~

~~– Aerodrome operational services and maintenance~~

~~Apron management services are provided by [specify name of service provider]~~

~~[...]~~

~~– Type of approaches~~

~~– Operating minima~~

~~– Aerodrome reference code~~

~~– Approved aircraft types above aerodrome reference code~~ **more demanding aeroplanes**

~~- Rescue and fire fighting category~~ **level of protection**

~~– Fuel provision at the aerodrome~~

~~[...]"~~

response

Noted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
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comment

2477

comment by: *East Midlands Airport - EMA/EGNX*

Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance"

Justification: These are too detailed. All that is needed is the Accountable Manager.

response

Partially accepted

Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Any other information found necessary to be included by the Competent Authority.

comment

2478

comment by: *East Midlands Airport - EMA/EGNX*

	<p>Delete</p> <p>Justification: There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.</p>
response	<p><i>Noted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority
comment	<p>2500 ❖ comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.B.005 — Management system (p20) • ANNEX I - Part-AR - Appendix I to ADR.AR.C.035 — Certificate (p32-33) • ANNEX I - Part-AR - Appendix II to ADR.AR.C.035 — Certificate (p34 to 36) • ANNEX II - Part-OR -ADR.OR.D.005 — Management (p49-50) <p><u>The above rules are affected and should be revised, however, this list could not be considered exhaustive: related AMCs should be revised accordingly</u></p> <p><u>2. Justification and proposed text / comment</u></p> <p>This comment is critical and linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II) Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections <i>in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.</i>" Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with</p>

Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States nor the operators to have **a specific function to monitor compliance**.

Nobody should not respect regulation and law, this function has no added value.

Moreover, for the aerodrome operator, the function to "monitor compliance" in already dealt with within their SMS, but a specific function is not necessary.

It is asked to EASA to delete the notion of compliance monitoring for both aerodrome operators and authorities. The above rules are affected and should be revised, however, this list could not be considered exhaustive

Consequently it is proposed to:

- **delete sub paragraphs (a) (4) and (a) (5) in ADR.AR.B.005 – Management system**
- **delete the reference to "compliance monitoring" in Appendices I and II to ADR.AR.C.035 – Certificate;**
- **delete sub paragraph (d) in ADR.OR.D.005 – Management;**

response *Partially accepted*

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- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the

Competent Authority.

comment	<p>2615 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Document Reference: Annex I – Part AR – Appendix 2 Terms of Approval (BI)</p> <p>Page No: 36</p> <p>Paragraph No: Terms of Approval</p> <p>Comment: There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.</p>
response	<p><i>Noted</i></p> <p>Please note that the idea of a certificate form and the related idea of a “terms of approval” sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the “terms of approval” have become “terms of the certificate” and the concept has been defined under the definitions. The elements of the “terms of the certificate” which EASA sees as the necessary minimum are given in the definition, while the “terms of the certificate” sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>‘Terms of the certificate’ means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority
comment	<p>2666 comment by: <i>HIA - Highlands and Islands Airports Limited</i></p> <p>Remove positions except Accountable Manager</p>
response	<p><i>Partially accepted</i></p> <p>Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.</p> <p>Please note that the idea of a certificate form and the related idea of a “terms of approval” sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the “terms of approval” have become “terms of the certificate” and the concept has been defined under the definitions. The elements of</p>

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comment

2700

comment by: *LJL Airport - Liverpool John Lennon Airport*

Part AR Appendix II	Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance"	These are too detailed. All that is needed is the Accountable Manager.
------------------------	--	--

response

Partially accepted

Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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- Any other information found necessary to be included by the Competent Authority.

comment	2701 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>			
	<table border="1"> <tr> <td data-bbox="367 257 614 414">Part AR Appendix II Terms of Approval</td> <td data-bbox="614 257 710 414">Delete</td> <td data-bbox="710 257 1412 414">There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.</td> </tr> </table>	Part AR Appendix II Terms of Approval	Delete	There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.
Part AR Appendix II Terms of Approval	Delete	There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.		
response	<p><i>Noted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority 			
comment	<p>2734 comment by: <i>Aberdeen Airport Airside Operations</i></p> <p>Part AR Appendix II</p> <p>Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance"</p> <p>These are too detailed. All that is needed in the Accountable Manager.</p> <p>Part AR Appendix II - Terms of approval</p> <p>Delete</p> <p>There is no need to specify all the details in the proposed terms of Approval. This detail should be in the Aerodrome Manual and does not need to be included in the certificate.</p>			
response	<p><i>Partially accepted</i></p> <p>Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.</p> <p>Please note that the idea of a certificate form and the related idea of a</p>			

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- Any other information found necessary to be included by the Competent Authority.

comment

2872

comment by: *Swedavia AB - Swedish airports (currently 11 airports)*

Appendix II - Terms of Approval (Fuel provision at the aerodrome). Delete. Fuel provision at the aerodrome should not be one of the terms of the approval. We suggest to delete it from Appendix II - Terms of Approval on page 36.

Reasoning: Most changes in fuel provision are not safety critical to this extend for the aerodrome operation and not under direct control of the aerodrome operator. Before allowing fuel provider to provide fuel at his aerodrome, the aerodrome operator should through his SMS assure that fuel providers are legitimate and have safety procedures in place to deliver uncontaminated fuel to aircraft.

Appendix II - Terms of Approval (Operating minima). Delete. "Operating minima" should not be one of the terms of the approval. We suggest to delete it from Appendix I - Terms of Approval on page 36. This information is available in the AIP and the minimas will differ with the different procedures and operators.

response

Accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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comment	<p>2981 comment by: <i>Norwich International Airport</i></p> <p>Part AR Appendix II</p> <p>Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance"</p> <p>There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.</p>
response	<p><i>Partially accepted</i></p> <p>Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.</p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority.

comment	<p>3132 comment by: <i>Isavia</i></p>
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	<p>Provision of Apron Management Services should not be one of the terms of the approval! We suggest deleting it from Appendix II - Terms of Approval on page 36.</p>
<p>response</p>	<p><i>Noted</i></p> <p>Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.</p> <p>Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.</p> <p>'Terms of the certificate' means the following:</p> <ul style="list-style-type: none"> · ICAO location indicator · Conditions to operate (VRF/ IFR, day/ night) · Runway – declared distances · Types of approach procedures provided · Aerodrome operating minima · Aerodrome Reference Code · Scope of aircraft operations with higher aerodrome reference code letter · Provision of apron management services (yes/no) · Rescue and fire-fighting level of protection · Any other information found necessary to be included by the Competent Authority
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comment 3134 comment by: *Isavia*

"Approved aircraft type(s) above aerodrome Reference code" should not be a part of the terms of the approval for the aerodrome, acft types change and an approval for operation of larger aircraft is required in art ADR.OR.C.010 and that is sufficient.

response *Noted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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comment 3135 comment by: *Isavia*

Appendix II - Terms of Approval (Operative minima). Delete. "Operative minima" should not be one of the terms of the approval. We suggest deleting it from Appendix I - Terms of Approval on page 33. This information is available in the AIP and the minima will differ with the different procedures and operators.

response *Noted*

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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comment

3255

comment by: *London Biggin Hill Airport*

Part AR Appendix II - Delete "safety management" "compliance monitoring" and "aerodrome operational services and maintenance" These are too detailed. All that is needed is the Accountable Manager.

Part AR Appendix II Terms of Approval - Delete - There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.

response

Partially accepted

Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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Competent Authority.

comment

3265

comment by: CAA SR

In the Terms of approval in the lines "Type of approaches" and "Aerodrome reference code" add comment "for each RWY in both direction".

In the Terms of approval delete the line "Operating minima". Operating minima are mostly related to provision of navigation services and operational procedures of aircraft operators (based on training and aircraft equipment) and may be changed without any operational change in aerodrome equipment, facility or procedures.

In the Terms of approval in the line "Fuel provision at the aerodrome" add Type of fuel.

response

Accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

Meanwhile the "terms of approval" have become "terms of the certificate" and the concept has been defined under the definitions. The elements of the "terms of the certificate" which EASA sees as the necessary minimum are given in the definition, while the "terms of the certificate" sheet itself is also GM under the Part AR, therefore giving as in the case of the certificate more flexibility as to its form.

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comment

3467

comment by: Fraport AG

Appendix II

Editorial

... and the following appointed/nominated personnel:

- Accountable manager:
- Safety management:
- Compliance monitoring:

- Aerodrome operational services and maintenance:

Proposed Text

... and the following appointed/nominated personnel:

- Accountable manager:

Fraport AG:

The only person who is needed in the certification process is the accountable manager because of his responsibility over all other functions.
- The proposed signage is too detailed.

response

Partially accepted

Post holders are required as per OR side Personnel requirements. Their change is subject to prior approval. They do not appear on the certificate anymore.

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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comment

3468

comment by: *Fraport AG*

Appendix II

Editorial

Delete the table for "Terms of Approval"

Fraport

AG:

There is no need to specify all the details in the proposed Terms of Approval. This detail should be in the Aerodrome Manual and does not need including with the Certificate.

response

Not accepted

Please note that the idea of a certificate form and the related idea of a "terms of approval" sheet has been majorly reworked. The certificate has become a model in guidance material (GM) for orientation and is no longer an EASA form.

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ANNEX II Part – Organisation Requirements (Part-OR)

p. 37

comment

569

comment by: Flughafen Düsseldorf GmbH

General comment on EASA – NPA / OR Safety Management System
Mixing of areas of responsibility

- The mixing of the currently separated areas Airport Operations / Traffic Management and Safety Management is evident in all present documents. Amongst others, this shows especially in the use of excerpts from the ICAO Safety Management Manual which are used in EASA documents and are not explicitly referring to SMS. The present task of the safety manager, too, i.e. the checking of compliance with national and international rules and recommendations, especially by means of internal audits, is not separately listed under the SMS.
- Since it is especially important for the operators of major airports to define clear lines of responsibility, it would be more useful to (A) unambiguously connect the definitive areas of responsibility with the function or (B) refer to the relevant documents like ICAO's Safety Management Manual.
- Although Safety Management was originally implemented to be a neutral and supervisory institution of airports, it is the wording of the rules which creates the impression that the lion's share of the original SMS activities is being re-integrated in the airport management/traffic management and that the SMS is being transformed into a reporting system to the authorities

Degree of accuracy

- Airports need more resources and longer time to implement the demanded rules and deal with the additionally required administrative work in detail (detailed preparation, review, documentation, communication, archiving, etc.). To meet the desired degree of accuracy when implementing the rules is definitively impossible with the available staff.
- The new bill introduces very complex rules – especially in the field of SMS – that exceed the existing requirements of ICAO’s Annex 14 or those of the German Law by far. In particular incomprehensible is the use of contents with no reference to other existing documents. The inclusion of detailed guidelines and text passages from ICAO’s Doc. 9859, which so far served as a guideline only, loads an increased demand of staff, financial means and time on to airports, which is out of all proportion to the benefit to be expected. Why are ICAO manuals transformed into AMCs in the field of SMS, while only into ICAO Standards and Recommendations in other fields? Here, it is imperative to create uniform and equal or fair regulations and transfer the content of the manuals to the Guidance Material. A higher degree of safety is not automatically achieved by means of an enormous increase of documentation and disproportionate growth of the number of tasks and analyses.
- Additionally it should be noted that the referred passages from Document 9859 generally serve as a guideline while their character changes when used in the context of a set of rules. The contents is partially far away from any operational practice or the current state of implementation at airports, and aside from this it is very abstract and vague. Moreover, it is questionable whether an uncritical copy makes sense in many cases.
- The introduction of extensive and, in parts, obviously completely new rules for the hazard and risk assessment, safety performance, change management, training, communication, compliance etc. renders the fulfillment of such rules difficult for small and medium-size airports with the currently available number of staff, the financial resources and it is out of proportion to the size of companies. Since it was the ICAO Standards and Recommendations which in principle served as the basis while the SMM so far was used as a guideline, only very few airports comply with these new requirements. Since these rules are phrased very inaccurately, too, and necessary additional comments and definitions are missing, it is absolutely necessary to transfer the contents from the AMCs into the GM!

response

Noted

The text of this requirement is based on the content of Appendix 7 of Annex 14, while proportionality of the management system is ensured via the requirements themselves, as well as the related AMC and GM.

The requirement for SMS is not a new requirement, while its application depends on the size and complexity of the organisation and of course on the design of the related processes and procedures.

The content of the SMS function is in line with the ICAO guidance on the implementation of SMS. That is why parts of the SMM ICAO Doc 9859 have been used as AMC or GM, when there was a need to develop relevant material to facilitate the implementation of the requirement. Such material are not binding, and there is a possibility to develop and use alternative AMC in accordance with the provisions of this draft Regulation.

A separate requirement (ADR.OR.D.015) defines the relevant personnel requirements, including the duties of the safety manager and the compliance monitoring manager.

comment 684 comment by: *ADV -German Airports Association*

Attachments [#154](#) [#155](#)

See comments:

(B.I) Attachment 1. 3356 – 3369

(B.II) Attachment 1. 2527 – 2538

See comments:

(B.I) Attachment 2. 3354 - 3355

(B.II) Attachment 2. 2519 – 2526

response *Partially accepted*

The Agency has reviewed and amended existing unnecessary references to ICAO material, examined possible cases of repetition and ensured consistent numbering of the material to be published.

The Agency has the view that the word “necessary” is more appropriate in the sense that such actions have to address a necessity.

Taking into account proposed amendments to ICAO material, has been explicitly included in the ToRs of the rulemaking groups. However, the evaluation of the of what is to included in the rules is based on the maturity of the proposed amendment.

The provisions of the draft implementing rules reflect the content of the essential requirements which have been adopted by the European legislators in 2009. In addition, every effort has been made to develop rules that balance the responsibilities of the aerodrome operator and these of the competent authorities, given the provisions of the Basic Regulation, allowing the necessary flexibility and the same time establishing a level playing field.

See also replies to comments 3354 – 3369

comment 902 comment by: *MST / STR - Stuttgart Airport*

Attachments [#156](#) [#157](#)

Please consider the attachments.

Moreover additional comments have been done at the single provisions / subsections of PART ADR.OR and the corresponding AMC´s thereto.

see comments on ADR.OR

- Comments on ADR.OR Part I
- B.I 3370 – 3383
- B.II 2539 – 2549
- Comments on ADR.OR Part II
- B.I 3384 - 3385
- B.II 2550 – 2557

response

Partially accepted

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See also replies to comments 3370-3385.

comment

1316

comment by: *Cologne/Bonn Airport*

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General comments

- - References to ICAO Documents within tables, figures and text need to be removed or aligned with EASA references.

- - Numeration of Figures and tables needs to be consistent

- - Repeating paragraphs with the same content need to be removed (e.g. DSN.H.425 (f),(g),(h) or DSN.M.760 (c

- - Replace „finds is necessary" by „appropriate"

- - No proposed Amendments to ICAO Documents should be included into EASA as long as there not finally agreed by ICAO.

- - Within these requirements the responsibility of the aerodrome operator is significantly increased. More and more issue are brought under the responsibility of the aerodrome operators without responsible authorities. This heavily conflicts with national law.

response

Partially accepted

The Agency has reviewed and amended existing unnecessary references to ICAO material, examined possible cases of repetition and ensured consistent numbering of the material to be published.

The Agency has the view that the word "necessary" is more appropriate in the sense that such actions have to address a necessity.

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The provisions of the draft implementing rules reflect the content of the essential requirements which have been adopted by the European legislators in 2009. In addition, every effort has been made to develop rules that balance the responsibilities of the aerodrome operator and these of the competent authorities, given the provisions of the Basic Regulation, allowing the necessary flexibility and the same time establishing a level playing field.

comment	<p>1843 comment by: <i>ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen</i></p> <p><u>General comments</u></p> <ul style="list-style-type: none"> • References to ICAO Documents within tables, figures and text need to be removed or aligned with EASA references. • Numeration of Figures and tables needs to be consistent • Repeating paragraphs with the same content need to be removed (e.g. DSN.H.425 (f),(g),(h) or DSN.M.760 (c • Replace „finds is necessary“ by „appropriate“ • No proposed Amendments to ICAO Documents should be included into EASA as long as there not finally agreed by ICAO. • Within these requirements the responsibility of the aerodrome operator is significantly increased. More and more issue are brought under the responsibility of the aerodrome operators without responsible authorities. This heavily conflicts with national law.
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed and amended existing unnecessary references to ICAO material, examined possible cases of repetition and ensured consistent numbering of the material to be published.</p> <p>The Agency has the view that the word “necessary” is more appropriate in the sense that such actions have to address a necessity.</p> <p>Taking into account proposed amendments to ICAO material, has been explicitly included in the ToRs of the rulemaking groups. However, the evaluation of the of what is to included in the rules is based on the maturity of the proposed amendment.</p> <p>The provisions of the draft implementing rules reflect the content of the essential requirements which have been adopted by the European legislators in 2009. In addition, every effort has been made to develop rules that balance the responsibilities of the aerodrome operator and these of the competent authorities, given the provisions of the Basic Regulation, allowing the necessary flexibility and the same time establishing a level playing field.</p>
comment	<p>3354 comment by: <i>ADV -German Airports Association</i></p> <p>Comments on ADR-OR Part II</p> <p>Comments in German: Vermischung von Unternehmensbereichen</p> <ul style="list-style-type: none"> • In allen bisherigen Dokumenten wird eine Vermischung der derzeit getrennten Bereiche Airport Operations / Verkehrsleitung und Safety Management überaus deutlich. Dies zeigt sich unter anderem in der Verwendung von Auszügen aus dem ICAO Safety Management Manual, die in den EASA Parts nicht mehr mit explizitem Bezug zum SMS dargestellt werden. Auch die bisherige Aufgabe des Safety Managers, die Überprüfung der Konformität mit nationalen und internationalen Vorgaben und Empfehlungen, insbesondere mit Hilfe interner Audits, wird nicht gesondert unter

dem SMS aufgeführt.

- Da es gerade bei größeren Flughafenbetreibern klarer Zuständigkeitsregelungen bedarf, wäre es hilfreicher a) die definitiven Zuständigkeiten bzw. Aufgabenbereiche deutlich mit der Funktion zu verbinden oder b) auf entsprechende, weiterführende Dokumente wie das Safety Management Manual der ICAO zu verweisen.
- Obwohl das Safety Management ursprünglich als neutrale und überwachende Einrichtung der Flughäfen implementiert wurde, hat es in der Formulierung der Vorgaben den Eindruck, als würden mehr der originären SMS Tätigkeiten wieder in Flughafenmanagement/die Verkehrsleitung rückgeführt und das SMS zum Reporting System gegenüber der Behörde umgewandelt.

Detailgenauigkeit

- Um die bis ins Detail geforderten Vorgaben auch mit dem dafür benötigten zusätzlichen Ausmaß an Bürokratismus (detaillierte Ausarbeitung, Betrachtung, Dokumentation, Kommunikation, Archivierung etc.) umsetzen zu können, benötigt der Airport zusätzliche Ressourcen und längere Bearbeitungszeiten. Eine Umsetzung der Vorgaben mit gewünschten Rahmenparametern und Formalitäten ist mit bestehendem Personal definitiv nicht umsetzbar.
- Gerade im Bereich SMS werden mit der neuen Gesetzesvorlage erstmals sehr diffizile Vorgaben eingeführt, die die bisherigen Anforderungen des ICAO Annex 14 oder der deutschen Gesetzgebung **um ein Vielfaches übersteigen**. Auch die Übernahme vieler detaillierter Vorgaben und Textpassagen aus dem ICAO Doc 9859, welches bisher nur als Leitfaden diente, bürdet den Flughäfen **einen personellen, finanziellen und zeitlichen Mehraufwand** auf, der in keinem Verhältnis zum generierten Nutzen steht. Warum werden im Bereich Safety Management ICAO Manuals in AMC's umgewandelt, in anderen Bereichen jedoch nur ICAO Standards und Recommendations? Hier sollte unbedingt eine **einheitliche und gleiche bzw. faire** Regelung geschaffen werden und die Inhalte des Manuals in das Guidance Material verschoben werden. **Durch einen massiven Mehraufwand an Dokumentation und einem unverhältnismäßigen Mehr an Aufgaben und Analysen ergibt sich kein Benefit an Sicherheit.**
- Die Begründung warum statt dem ICAO Annex 14 Standards oder Recommendations im Bereich SMS nahezu in Gänze auf das ICAO SMM Doc 9859 zurückgegriffen **wird fehlt**, die Übernahme dieser umfangreichen und vagen Vorgaben ist nicht nachvollziehbar
- Durch die Übernahme der detaillierten Vorgaben für Risiko- und Gefährdungsanalysen, Safety Performance, Change Management, Training, Communication, Compliance etc. wird deren Erfüllung gerade für kleine und mittelgroße Flughäfen **unmöglich mit bestehenden personellen und finanziellen Ressourcen** und ist

	<p>unproportional zur Größe des Unternehmens. Da bisher nur ICAO Standards und Recommendations fokussiert wurden und das SMM nur als Richtlinie diente, erfüllen die wenigsten Airports die neuen Forderungen. Da diese zusätzlich sehr ungenau definiert sind, ist eine Verschiebung dieser in das GM zwingend erforderlich!</p> <ul style="list-style-type: none"> Die hier aus dem Dokument 9859 entnommenen Passagen wurden allgemein eher als Leitfaden verstanden und bekommen durch die Verwendung im Regelwerk einen anderen Charakter. Die Inhalte sind teilweise weit von der betrieblichen Praxis bzw. Umsetzungsstand an Flughäfen entfernt. Zudem ist fraglich ob die uneingeschränkte Übernahme vielfach sinnvoll ist.
response	<p><i>Noted</i></p> <p>The text of this requirement is based on the content of Appendix 7 of Annex 14, while proportionality of the management system is ensured via the requirements themselves, as well as the related AMC and GM.</p> <p>The requirement for SMS is not a new requirement, while its application depends on the size and complexity of the organisation and of course on the design of the related processes and procedures.</p> <p>The content of the SMS function is in line with the ICAO guidance on the implementation of SMS. That is why parts of the SMM ICAO Doc 9859 have been used as AMC or GM, when there was a need to develop relevant material to facilitate the implementation of the requirement. Such material are not binding, and there is a possibility to develop and use alternative AMC in accordance with the provisions of this draft Regulation.</p> <p>A separate requirement (ADR.OR.D.015) defines the relevant personnel requirements, including the duties of the safety manager and the compliance monitoring manager.</p>
comment	<p>3357 comment by: ADV -German Airports Association</p> <p>General comments</p> <ul style="list-style-type: none"> References to ICAO Documents within tables, figures and text need to be removed or aligned with EASA references. Numeration of Figures and tables needs to be consistent Repeating paragraphs with the same content need to be removed (e.g. DSN.H.425 (f),(g),(h) or DSN.M.760 (c)) Replace „finds is necessary“ by „appropriate“ No proposed Amendments to ICAO Documents should be included into EASA as long as there not finally agreed by ICAO. Within these requirements the responsibility of the aerodrome operator is significantly increased. More and more issue are brought under the responsibility of the aerodrome operators without responsible authorities. This heavily conflicts with national law.
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed and amended existing unnecessary references to ICAO material, examined possible cases of repetition and ensured consistent numbering of the material to be published.</p> <p>The Agency has the view that the word “necessary” is more appropriate in the sense that such actions have to address a necessity.</p>

Taking into account proposed amendments to ICAO material, has been explicitly included in the ToRs of the rulemaking groups. However, the evaluation of the of what is to included in the rules is based on the maturity of the proposed amendment.

The provisions of the draft implementing rules reflect the content of the essential requirements which have been adopted by the European legislators in 2009. In addition, every effort has been made to develop rules that balance the responsibilities of the aerodrome operator and these of the competent authorities, given the provisions of the Basic Regulation, allowing the necessary flexibility and the same time establishing a level playing field.

comment

3370

comment by: *MST / STR - Stuttgart Airport*

General comments

- References to ICAO Documents within tables, figures and text need to be removed or aligned with EASA references.
- Numeration of Figures and tables needs to be consistent
- Repeating paragraphs with the same content need to be removed (e.g. DSN.H.425 (f),(g),(h) or DSN.M.760 (c
- Replace „finds is necessary“ by „appropriate“
- No proposed Amendments to ICAO Documents should be included into EASA as long as there not finally agreed by ICAO.

- Within these requirements the responsibility of the aerodrome operator is significantly increased. More and more issue are brought under the responsibility of the aerodrome operators without responsible authorities. This heavily conflicts with national law.

response

Partially accepted

The Agency has reviewed and amended existing unnecessary references to ICAO material, examined possible cases of repetition and ensured consistent numbering of the material to be published.

The Agency has the view that the word “necessary” is more appropriate in the sense that such actions have to address a necessity.

Taking into account proposed amendments to ICAO material, has been explicitly included in the ToRs of the rulemaking groups. However, the evaluation of the of what is to included in the rules is based on the maturity of the proposed amendment.

The provisions of the draft implementing rules reflect the content of the essential requirements which have been adopted by the European legislators in 2009. In addition, every effort has been made to develop rules that balance the responsibilities of the aerodrome operator and these of the competent authorities, given the provisions of the Basic Regulation, allowing the necessary flexibility and the same time establishing a level playing field.

comment

3384

comment by: *MST / STR - Stuttgart Airport*

Comments on ADR-OR Part II

Comments in German:

Vermischung von Unternehmensbereichen

♣ In allen bisherigen Dokumenten wird eine Vermischung der derzeit getrennten Bereiche Airport Operations / Verkehrsleitung und Safety Management überaus deutlich. Dies zeigt sich unter anderem in der Verwendung von Auszügen aus dem ICAO Safety Management Manual, die in den EASA Parts nicht mehr mit explizitem Bezug zum SMS dargestellt werden. Auch die bisherige Aufgabe des Safety Managers, die Überprüfung der Konformität mit nationalen und internationalen Vorgaben und Empfehlungen, insbesondere mit Hilfe interner Audits, wird nicht gesondert unter dem SMS aufgeführt.

♣ Da es gerade bei größeren Flughafenbetreibern klarer Zuständigkeitsregelungen bedarf, wäre es hilfreicher a) die definitiven Zuständigkeiten bzw. Aufgabenbereiche deutlich mit der Funktion zu verbinden oder b) auf entsprechende, weiterführende Dokumente wie das Safety Management Manual der ICAO zu verweisen.

♣ Obwohl das Safety Management ursprünglich als neutrale und überwachende Einrichtung der Flughäfen implementiert wurde, hat es in der Formulierung der Vorgaben den Eindruck, als würden mehr der originären SMS Tätigkeiten wieder in Flughafenmanagement/die Verkehrsleitung rückgeführt und das SMS zum Reporting System gegenüber der Behörde umgewandelt.
Detailgenauigkeit

♣ Um die bis ins Detail geforderten Vorgaben auch mit dem dafür benötigten zusätzlichen Ausmaß an Bürokratismus (detaillierte Ausarbeitung, Betrachtung, Dokumentation, Kommunikation, Archivierung etc.) umsetzen zu können, benötigt der Airport zusätzliche Ressourcen und längere Bearbeitungszeiten. Eine Umsetzung der Vorgaben mit gewünschten Rahmenparametern und Formalitäten ist mit bestehendem Personal definitiv nicht umsetzbar.

♣ Gerade im Bereich SMS werden mit der neuen Gesetzesvorlage erstmals sehr diffizile Vorgaben eingeführt, die die bisherigen Anforderungen des ICAO Annex 14 oder der deutschen Gesetzgebung **um ein Vielfaches übersteigen**. Auch die Übernahme vieler detaillierter Vorgaben und Textpassagen aus dem ICAO Doc 9859, welches bisher nur als Leitfaden diente, bürdet den Flughäfen **einen personellen, finanziellen und zeitlichen Mehraufwand** auf, der in keinem Verhältnis zum generierten Nutzen steht. Warum werden im Bereich Safety Management ICAO Manuals in AMC's umgewandelt, in anderen Bereichen jedoch nur ICAO Standards und Recommendations? Hier sollte unbedingt eine **einheitliche und gleiche bzw. faire** Regelung geschaffen werden und die Inhalte des Manuals in das Guidance Material verschoben werden.

Durch einen massiven Mehraufwand an Dokumentation und einem unverhältnismäßigen Mehr an Aufgaben und Analysen ergibt sich kein Benefit an Sicherheit.

♣ Die Begründung warum statt dem ICAO Annex 14 Standards oder Recommendations im Bereich SMS nahezu in Gänze auf das ICAO SMM Doc 9859 zurückgegriffen **wird fehlt**, die Übernahme dieser umfangreichen und vagen Vorgaben ist nicht nachvollziehbar

♣ Durch die Übernahme der detaillierten Vorgaben für Risiko- und

Gefährdungsanalysen, Safety Performance, Change Management, Training, Communication, Compliance etc. wird deren Erfüllung gerade für kleine und mittelgroße Flughäfen **unmöglich mit bestehenden personellen und finanziellen Ressourcen** und ist unproportional zur Größe des Unternehmens. Da bisher nur ICAO Standards und Recommendations fokussiert wurden und das SMM nur als Richtlinie diente, erfüllen die wenigsten Airports die neuen Forderungen.

Da diese zusätzlich sehr ungenau definiert sind, ist eine Verschiebung dieser in das GM zwingend erforderlich!

♣

Die hier aus dem Dokument 9859 entnommenen Passagen wurden allgemein eher als Leitfaden verstanden und bekommen durch die Verwendung im Regelwerk einen anderen Charakter. **Die Inhalte sind teilweise weit von der betrieblichen Praxis bzw. Umsetzungsstand an Flughäfen entfernt**

. Zudem ist fraglich ob die uneingeschränkte Übernahme vielfach sinnvoll ist.

Folgend die wichtigsten und kritischsten Beispiele mit Kommentierung:

response

Noted

The text of this requirement is based on the content of Appendix 7 of Annex 14, while proportionality of the management system is ensured via the requirements themselves, as well as the related AMC and GM.

The requirement for SMS is not a new requirement, while its application depends on the size and complexity of the organisation and of course on the design of the related processes and procedures.

The content of the SMS function is in line with the ICAO guidance on the implementation of SMS. That is why parts of the SMM ICAO Doc 9859 have been used as AMC or GM, when there was a need to develop relevant material to facilitate the implementation of the requirement. Such material are not binding, and there is a possibility to develop and use alternative AMC in accordance with the provisions of this draft Regulation.

A separate requirement (ADR.OR.D.015) defines the relevant personnel requirements, including the duties of the safety manager and the compliance monitoring manager.

comment

3420

comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

Vermischung von Unternehmensbereichen

- In allen bisherigen Dokumenten wird eine Vermischung der derzeit getrennten Bereiche Airport Operations / Verkehrsleitung und Safety Management überaus deutlich. Dies zeigt sich unter anderem in der Verwendung von Auszügen aus dem ICAO Safety Management Manual, die in den EASA Parts nicht mehr mit explizitem Bezug zum SMS dargestellt werden. Auch die bisherige Aufgabe des Safety Managers, die Überprüfung der Konformität mit nationalen und internationalen Vorgaben und Empfehlungen, insbesondere mit Hilfe interner Audits, wird nicht gesondert unter dem SMS aufgeführt.
- Da es gerade bei größeren Flughafenbetreibern klarer Zuständigkeitsregelungen bedarf, wäre es hilfreicher a) die definitiven Zuständigkeiten bzw. Aufgabenbereiche deutlich mit der Funktion zu verbinden oder b) auf entsprechende, weiterführende

	<p>Dokumente wie das Safety Management Manual der ICAO zu verweisen.</p> <ul style="list-style-type: none"> • Obwohl das Safety Management ursprünglich als neutrale und überwachende Einrichtung der Flughäfen implementiert wurde, hat es in der Formulierung der Vorgaben den Eindruck, als würden mehr der originären SMS Tätigkeiten wieder in Flughafenmanagement/die Verkehrsleitung rückgeführt und das SMS zum Reporting System gegenüber der Behörde umgewandelt.
response	<p><i>Noted</i></p> <p>The text of this requirement is based on the content of Appendix 7 of Annex 14, while proportionality of the management system is ensured via the requirements themselves, as well as the related AMC and GM. The requirement for SMS is not a new requirement, while its application depends on the size and complexity of the organisation and of course on the design of the related processes and procedures. The content of the SMS function is in line with the ICAO guidance on the implementation of SMS. That is why parts of the SMM ICAO Doc 9859 have been used as AMC or GM, when there was a need to develop relevant material to facilitate the implementation of the requirement. Such material are not binding, and there is a possibility to develop and use alternative AMC in accordance with the provisions of this draft Regulation. A separate requirement (ADR.OR.D.015) defines the relevant personnel requirements, including the duties of the safety manager and the compliance monitoring manager.</p>
comment	<p>3421 <i>comment by: ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen</i></p> <p><u>Detailgenauigkeit</u></p> <ul style="list-style-type: none"> • Um die bis ins Detail geforderten Vorgaben auch mit dem dafür benötigten zusätzlichen Ausmaß an Bürokratismus (detaillierte Ausarbeitung, Betrachtung, Dokumentation, Kommunikation, Archivierung etc.) umsetzen zu können, benötigt der Airport zusätzliche Ressourcen und längere Bearbeitungszeiten. Eine Umsetzung der Vorgaben mit gewünschten Rahmenparametern und Formalitäten ist mit bestehendem Personal definitiv nicht umsetzbar. • Gerade im Bereich SMS werden mit der neuen Gesetzesvorlage erstmals sehr diffizile Vorgaben eingeführt, die die bisherigen Anforderungen des ICAO Annex 14 oder der deutschen Gesetzgebung um ein Vielfaches übersteigen. Auch die Übernahme vieler detaillierter Vorgaben und Textpassagen aus dem ICAO Doc 9859, welches bisher nur als Leitfaden diente, bürdet den Flughäfen einen personellen, finanziellen und zeitlichen Mehraufwand auf, der in keinem Verhältnis zum generierten Nutzen steht. Warum werden im Bereich Safety Management ICAO Manuals in AMC's umgewandelt, in anderen Bereichen jedoch nur ICAO Standards und Recommendations? Hier sollte unbedingt eine einheitliche und gleiche bzw. faire Regelung geschaffen werden und die Inhalte des Manuals in das Guidance Material verschoben werden. Durch einen massiven Mehraufwand an Dokumentation und einem

unverhältnismäßigen Mehr an Aufgaben und Analysen ergibt sich kein Benefit an Sicherheit.

- Die Begründung warum statt dem ICAO Annex 14 Standards oder Recommendations im Bereich SMS nahezu in Gänze auf das ICAO SMM Doc 9859 zurückgegriffen **wird fehlt**, die Übernahme dieser umfangreichen und vagen Vorgaben ist nicht nachvollziehbar
- Durch die Übernahme der detaillierten Vorgaben für Risiko- und Gefährdungsanalysen, Safety Performance, Change Management, Training, Communication, Compliance etc. wird deren Erfüllung gerade für kleine und mittelgroße Flughäfen **unmöglich mit bestehenden personellen und finanziellen Ressourcen** und ist unproportional zur Größe des Unternehmens. Da bisher nur ICAO Standards und Recommendations fokussiert wurden und das SMM nur als Richtlinie diente, erfüllen die wenigsten Airports die neuen Forderungen. **Da diese zusätzlich sehr ungenau definiert sind, ist eine Verschiebung dieser in das GM zwingend erforderlich!**
- Die hier aus dem Dokument 9859 entnommenen Passagen wurden allgemein eher als Leitfaden verstanden und bekommen durch die Verwendung im Regelwerk einen anderen Charakter. **Die Inhalte sind teilweise weit von der betrieblichen Praxis bzw. Umsetzungsstand an Flughäfen entfernt.** Zudem ist fraglich ob die uneingeschränkte Übernahme vielfach sinnvoll ist.

response *Noted*

The text of this requirement is based on the content of Appendix 7 of Annex 14, while proportionality of the management system is ensured via the requirements themselves, as well as the related AMC and GM.

The requirement for SMS is not a new requirement, while its application depends on the size and complexity of the organisation and of course on the design of the related processes and procedures.

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A separate requirement (ADR.OR.D.015) defines the relevant personnel requirements, including the duties of the safety manager and the compliance monitoring manager.

ANNEX II - Part-OR - ADR.OR.A.005 — Scope

p. 37

comment *1074* comment by: *NATS National Air Traffic Services Limited*
Should the scope include apron management services? See ADR.AR.C.050.

This is a statement and not a requirement and is covered by the title of the Annex.

response *Accepted*

Although the current rules are of a rather procedural and generic nature,

since the actual requirements for providers of apron management services will follow, the content of this article has been amended to cover the providers of such services.

comment	1334	comment by: <i>Gatwick Airport Ltd</i>
	Amend to read..."With respect to its certification aerodrome manual and associated certification basis"	
response	<i>Not accepted</i>	
	The certification basis and the aerodrome manual, are necessary elements for the certification process. However a separate subpart is dedicated to the aerodrome manual.	

comment	2201	comment by: <i>AESA - Agencia Estatal de Seguridad Aérea</i>
	It should be Added Providers of apron management services. The paragraph would be: This Part establishes the requirements to be followed by an aerodrome operator and providers of apron management services subject to Regulation (EC) No 216/2008 with respect to its certification, management, manuals and other responsibilities.	
response	<i>Accepted</i>	
	Although the current rules are of a rather procedural and generic nature, since the actual requirements for providers of apron management services will follow, the content of this article has been amended to cover the providers of such services.	

ANNEX II - Part-OR - ADR.OR.A.010 – Competent authority

p. 37

comment	839	comment by: <i>Union des Aéroports français - UAF</i>
	Attachment #158	
	UAF	NPA
	2011-20	(B.I)
	ADR.OR.A.010	
	Référence: "Competent	ADR.OR.A.010 authority"
	Traduction	de courtoisie
	Only one competent authority is mentioned. This is the reverse in Article 3 of the « cover regulation » where several competent authorities may be designated.	
	We understand that for a given aerodrome there is only one competent authority but there may be in a State several competent authorities. We would like this point to be clarified either in Article 3 of the "cover regulation", or in ADR.OR.A.010.	
	In case that our interpretation is not correct, we ask that for each aerodrome, there is only one authority that certifies and oversees it. There are entities that have an effect on the aerodrome operation out of the certification.	

	Example: the Prefect in France via the legal text enforcing law and order.
response	<p><i>Not accepted</i></p> <p>The provisions of article 3 of the draft regulation foresee that a Member State may designate one or more entity(ies) as competent authority(ies), as found appropriate by the Member State. In the remaining of the text the term "competent authority" is used (singular form), in order to avoid the mixing of the forms.</p> <p>However, the provisions of article 3 differ from the provisions of ADR.OR.A.010, because the latter is about defining which State is responsible for certification and oversight, since an aerodrome operator may operate many aerodromes which may be located in different states. Finally, the way in which the necessary competencies are divided within a Member State is that State's responsibility.</p>

comment	<p>1122 comment by: ADP : Aeroports de Paris</p> <p>Référence: ADR.OR.A.010 "Competent authority"</p> <p>Proposition/commentaire Une seule autorité compétente est mentionnée. C'est l'inverse à l'article 3 de la « cover regulation » ou plusieurs autorités compétentes peuvent être désignées.</p> <p>Nous comprenons que pour un aérodrome donné il n'y a qu'une seule autorité compétente mais qu'il peut y avoir dans un Etat plusieurs autorités compétentes.</p> <p>Nous souhaitons que ce soit précisé soit à l'article 3 de la « cover regulation », soit à l'ADR.OR.A.010.</p> <p>Dans le cas où notre interprétation ne serait pas correcte, nous demandons à ce que, pour chaque aérodrome, il n'y ait bien qu'une seule autorité compétente qui le certifie et le surveille.</p> <p>Justification Il existe des entités qui ont une action sur l'exploitation de l'aérodrome en dehors de la certification.</p> <p>Exemple: le Préfet en France via les arrêtés de police.</p> <p>Traduction de courtoisie Only one competent authority is mentioned. This is the reverse in Article 3 of the « cover regulation » where several competent authorities may be designated.</p>
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We understand that for a given aerodrome there is only one competent authority but there may be in a State several competent authorities.

We would like this point to be clarified either in Article 3 of the "cover regulation", or in ADR.OR.A.010.

In case that our interpretation is not correct, we ask that for each aerodrome, there is only one authority that certifies and oversees it.

There are entities that have an effect on the aerodrome operation out of the certification.

Example: the Prefect in France via the legal text enforcing law and order.

response

Not accepted

The provisions of article 3 of the draft regulation foresee that a Member State may designate one or more entity(ies) as competent authority(ies), as found appropriate by the Member State. In the remaining of the text the term "competent authority" is used (singular form), in order to avoid the mixing of the forms.

However, the provisions of article 3 differ from the provisions of ADR.OR.A.010, because the latter is about defining which State is responsible for certification and oversight, since an aerodrome operator may operate many aerodromes which may be located in different states. Finally, the way in which the necessary competencies are divided within a Member State is that State's responsibility.

comment

1580

comment by: *Euroairport Bâle-Mulhouse*

Attachment [#159](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.A.010

Référence: ADR.OR.A.010
"Competent authority"

Traduction de courtoisie
Only one competent authority is mentioned. This is the reverse in Article 3 of the « cover regulation » where several competent authorities may be designated.

We understand that for a given aerodrome there is only one competent authority but there may be in a State several competent authorities. We would like this point to be clarified either in Article 3 of the "cover regulation", or in ADR.OR.A.010. In case that our interpretation is not correct, we ask that for each aerodrome, there is only one authority that certifies and oversees it. There are entities that have an effect on the aerodrome operation out of the certification. Example: the Prefect in France via the legal text enforcing law and order.

response

Not accepted

The provisions of article 3 of the draft regulation foresee that a Member State may designate one or more entity(ies) as competent authority(ies), as found appropriate by the Member State. In the remaining of the text the term "competent authority" is used (singular form), in order to avoid the mixing of the forms.

However, the provisions of article 3 differ from the provisions of ADR.OR.A.010, because the latter is about defining which State is responsible for certification and oversight, since an aerodrome operator may operate many aerodromes which may be located in different states. Finally, the way in which the necessary competencies are divided within a Member State is that State's responsibility.

comment 1955 comment by: *Aéroport de Marseille - MRS/LFML*

Only one competent authority is mentioned. This is the reverse in Article 3 of the « cover regulation » where several competent authorities may be designated.

We understand that for a given aerodrome there is only one competent authority but there may be in a State several competent authorities.

We would like this point to be clarified either in Article 3 of the "cover regulation", or in ADR.OR.A.010.

In case that our interpretation is not correct, we ask that for each aerodrome, there is only one authority that certifies and oversees it.

There are entities that have an effect on the aerodrome operation out of the certification.

response *Not accepted*

The provisions of article 3 of the draft regulation foresee that a Member State may designate one or more entity(ies) as competent authority(ies), as found appropriate by the Member State. In the remaining of the text the term "competent authority" is used (singular form), in order to avoid the mixing of the forms.

However, the provisions of article 3 differ from the provisions of ADR.OR.A.010, because the latter is about defining which State is responsible for certification and oversight, since an aerodrome operator may operate many aerodromes which may be located in different states. Finally, the way in which the necessary competencies are divided within a Member State is that State's responsibility.

comment 2177 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#160](#)

UAF NPA 2011-20 (B.I) ADR.OR.A.010

Référence: ADR.OR.A.010
"Competent authority"

Traduction de courtoisie

Only one competent authority is mentioned. This is the reverse in Article 3

of the « cover regulation » where several competent authorities may be designated.

We understand that for a given aerodrome there is only one competent authority but there may be in a State several competent authorities. We would like this point to be clarified either in Article 3 of the "cover regulation", or in ADR.OR.A.010. In case that our interpretation is not correct, we ask that for each aerodrome, there is only one authority that certifies and oversees it. There are entities that have an effect on the aerodrome operation out of the certification. Example: the Prefect in France via the legal text enforcing law and order.

response *Not accepted*

The provisions of article 3 of the draft regulation foresee that a Member State may designate one or more entity(ies) as competent authority(ies), as found appropriate by the Member State. In the remaining of the text the term "competent authority" is used (singular form), in order to avoid the mixing of the forms.

However, the provisions of article 3 differ from the provisions of ADR.OR.A.010, because the latter is about defining which State is responsible for certification and oversight, since an aerodrome operator may operate many aerodromes which may be located in different states. Finally, the way in which the necessary competencies are divided within a Member State is that State's responsibility.

comment

2212

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#161](#)

ADBM - NPA 2011-20 (B.I) ADR.OR.A.010

Référence: ADR.OR.A.010
"Competent authority"

Traduction de courtoisie
Only one competent authority is mentioned. This is the reverse in Article 3 of the « cover regulation » where several competent authorities may be designated.

We understand that for a given aerodrome there is only one competent authority but there may be in a State several competent authorities. We would like this point to be clarified either in Article 3 of the "cover regulation", or in ADR.OR.A.010. In case that our interpretation is not correct, we ask that for each aerodrome, there is only one authority that certifies and oversees it. There are entities that have an effect on the aerodrome operation out of the certification. Example: the Prefect in France via the legal text enforcing law and order.

response *Not accepted*

The provisions of article 3 of the draft regulation foresee that a Member State may designate one or more entity(ies) as competent authority(ies),

as found appropriate by the Member State. In the remaining of the text the term "competent authority" is used (singular form), in order to avoid the mixing of the forms.

However, the provisions of article 3 differ from the provisions of ADR.OR.A.010, because the latter is about defining which State is responsible for certification and oversight, since an aerodrome operator may operate many aerodromes which may be located in different states. Finally, the way in which the necessary competencies are divided within a Member State is that State's responsibility.

comment

2406

comment by: *Pau Pyrénées Airport - PUF/LFBP*

Only one competent authority is mentioned. This is the reverse in Article 3 of the « cover regulation » where several competent authorities may be designated.

We understand that for a given aerodrome there is only one competent authority but there may be in a State several competent authorities.

We would like this point to be clarified either in Article 3 of the "cover regulation", or in ADR.OR.A.010.

In case that our interpretation is not correct, we ask that for each aerodrome, there is only one authority that certifies and oversees it.

There are entities that have an effect on the aerodrome operation out of the certification.

Example: the Prefect in France via the legal text enforcing law and order.

response

Not accepted

The provisions of article 3 of the draft regulation foresee that a Member State may designate one or more entity(ies) as competent authority(ies), as found appropriate by the Member State. In the remaining of the text the term "competent authority" is used (singular form), in order to avoid the mixing of the forms.

However, the provisions of article 3 differ from the provisions of ADR.OR.A.010, because the latter is about defining which State is responsible for certification and oversight, since an aerodrome operator may operate many aerodromes which may be located in different states. Finally, the way in which the necessary competencies are divided within a Member State is that State's responsibility.

comment

2434

comment by: *Aéroports De Lyon*

Une seule autorité compétente est mentionnée. C'est l'inverse à l'article 3 de la « cover regulation » ou plusieurs autorités compétentes peuvent être désignées.

Nous comprenons que pour un aérodrome donné il n'y a qu'une seule autorité compétente mais qu'il peut y avoir dans un Etat plusieurs autorités compétentes.

Nous souhaitons que ce soit précisé soit à l'article 3 de la « cover regulation », soit à l'ADR.OR.A.010.

Dans le cas où notre interprétation ne serait pas correcte, nous demandons à ce que, pour chaque aérodrome, il n'y ait bien qu'une seule autorité compétente qui le certifie et le surveille.

Il existe des entités qui ont une action sur l'exploitation de l'aérodrome en dehors de la certification.
Exemple: le Préfet en France via les arrêtés de police.

response

Not accepted

The provisions of article 3 of the draft regulation foresee that a Member State may designate one or more entity(ies) as competent authority(ies), as found appropriate by the Member State. In the remaining of the text the term "competent authority" is used (singular form), in order to avoid the mixing of the forms.

However, the provisions of article 3 differ from the provisions of ADR.OR.A.010, because the latter is about defining which State is responsible for certification and oversight, since an aerodrome operator may operate many aerodromes which may be located in different states. Finally, the way in which the necessary competencies are divided within a Member State is that State's responsibility.

comment

2934

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.OR.A.010	"Competent authority"
Proposition/commentaire	Une seule autorité compétente est mentionnée. C'est l'inverse à l'article 3 de la « cover regulation » ou plusieurs autorités compétentes peuvent être désignées. Nous comprenons que pour un aérodrome donné il n'y a qu'une seule autorité compétente mais qu'il peut y avoir dans un Etat plusieurs autorités compétentes. Nous souhaitons que ce soit précisé soit à l'article 3 de la « cover regulation », soit à l'ADR.OR.A.010. Dans le cas où notre interprétation ne serait pas correcte, nous demandons à ce que, pour chaque aérodrome, il n'y ait bien qu'une seule autorité compétente qui le certifie et le surveille.
Justification	Il existe des entités qui ont une action sur l'exploitation de l'aérodrome en dehors de la certification. Exemple: le Préfet en France via les arrêtés de police.
Traduction de courtoisie	Only one competent authority is mentioned. This is the reverse in Article 3 of the « cover regulation » where several competent authorities may be designated. We understand that for a given aerodrome there is only one competent authority but there may be in a State several competent authorities.

	<p>We would like this point to be clarified either in Article 3 of the "cover regulation", or in ADR.OR.A.010.</p> <p>In case that our interpretation is not correct, we ask that for each aerodrome, there is only one authority that certifies and oversees it.</p> <p>There are entities that have an effect on the aerodrome operation out of the certification.</p> <p>Example: the Prefect in France via the legal text enforcing law and order.</p>
response	<p><i>Not accepted</i></p> <p>The provisions of article 3 of the draft regulation foresee that a Member State may designate one or more entity(ies) as competent authority(ies), as found appropriate by the Member State. In the remaining of the text the term "competent authority" is used (singular form), in order to avoid the mixing of the forms.</p> <p>However, the provisions of article 3 differ from the provisions of ADR.OR.A.010, because the latter is about defining which State is responsible for certification and oversight, since an aerodrome operator may operate many aerodromes which may be located in different states. Finally, the way in which the necessary competencies are divided within a Member State is that State's responsibility.</p>

ANNEX II - Part-OR - ADR.OR.A.015 — Means of compliance

p. 37-38

comment	<p>234 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>The criteria for the acceptance of an alternative mean of compliance demonstrate the binding characteristics of AMCs.</p> <p>As the most voluminous part of the NPA consists of CS, AMC and GM, the role of this material has to be kept under control.</p> <p>Aerodromes are all individually designed, operated and integrated into their surroundings. The comparison with other aeronautical issues (aircraft design, licenses) is therefore not possible. The required provisions for flexibility and customised compliance in aerodromes matters, exposed in the BR, should be reflected by more competency given to the aerodrome operators and to the Member State to adopt tailor-made solutions.</p> <p>The process ruling alternative means of compliance ist much too complex and burdensome. It has to be revised in order to leave more autonomy to national regulators/authorities.</p>
response	<p><i>Noted</i></p>

The definition of acceptable means of compliance states that "*Acceptable Means of Compliance (AMC)*' are non-binding standards adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules".

The flexibility sought may be attained through the possibility for use of customised means of compliance by the interested party.

The fact that an authority approval for the use of alternative means of compliance is needed does not make their use binding. Such an approval aims at making sure that the intended way of compliance meets the requirements of the relevant binding rule.

comment	620	comment by: Flughafen Düsseldorf GmbH
	c) Der aerodrome operator hat hier nur eingeschränkte Einflussmöglichkeiten und kann auf keinem Fall hier verantwortlich sein, i. S. v. einer vorherigen Einverständniserklärung.	
response	<i>Noted</i>	
	According to the Basic regulation, the aerodrome operator is responsible for the operation of the aerodrome, while Annex Va of the Basic Regulation foresee in particular that "... the aerodrome operator shall ensure that movements of vehicles and persons in the movement area and other operational areas are coordinated with movements of aircraft in order to avoid collisions and damage to aircraft ...". Apron management services are a part of the aerodrome operational services [see ICAO Doc 9137 (airport services manual) Part 8 (airport operational services)], necessary for managing the activities and the movement of aircraft and vehicles on an apron. It is the aerodrome operator that comes into an agreement with organisations for the provision apron management services. Such an agreement should include the cases of use of alternative means of compliance.	
comment	1077	comment by: NATS National Air Traffic Services Limited
	ADR.OR.A.015(b) - Third sentence. Should providers of apron management services also be included as it appears to be limited to aerodrome operators?	
response	<i>Noted</i>	
	The use of alternative means of compliance is a possibility that is given to all organisations subject to the provisions of the Basic Regulation and its implementing rules.	
comment	1082	comment by: NATS National Air Traffic Services Limited
	The text at the beginning of the first sentence does not read well. Amend to "Where apron management services are not provided by the aerodrome operator, a provider of such services shall.."	
response	<i>Accepted</i>	
	The text has been modified accordingly.	

comment	<p>1114 comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i></p> <p>Da "AMCs", die durch die EASA veröffentlicht wurden, bereits nicht verbindliche Standards darstellen, ist es nicht erforderlich, auch noch Verfahren für alternative Standards einzuführen. Allein die jeweils zuständigen Luftfahrtbehörden und/oder die Mitgliedsstaaten sind für ihre Entscheidungen und die jeweils zu Grunde gelegten Verfahren und Entscheidungskriterien verantwortlich, ob Verordnungsinhalte bzw. Regeln erfüllt sind oder nicht.</p> <p>AMCs stellen lediglich eine unverbindliche Hilfestellung bei der Erarbeitung nationaler Verfahren dar. AMCs können und dürfen nicht zu verbindlichen "Standards" erklärt werden, wie es in der Vergangenheit in anderen Bereichen bei "EASA-Standardisierungs-Audits" bereits erfolgt ist.</p> <p><i>Because "AMCs" developed by the Agency are non-binding standards, no procedures for alternative means of compliance have to be established. The member states and/or the competent authorities are accountable for their decisions and their related procedures, wheter something is compliant to the Basic Regulation and its Implementing Rules.</i></p> <p><i>AMCs are representing only a noncommittal assistance to develop national procedures. It is not allowed, to declare AMCs to a binding obligatory "Standard", as it took place in the past during "EASA-Standardisation-Visits".</i></p>
response	<p><i>Noted</i></p> <p>The definition of acceptable means of compliance states that "<i>Acceptable Means of Compliance (AMC)' are non-binding standards adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules</i>".</p> <p>The responsibility for accepting or not a proposed alternative means to comply with the binding implementing rules and the Basic Regulation is with the competent authority, which has to be accomplished in a comprehensive manner. This is the intent of the proposed rule.</p>
comment	<p>1707 comment by: <i>ECA - European Cockpit Association</i></p> <p>Comment on (b): The mentioned assessment demonstrating compliance with regulation EC 216/2008 should be carried out involving local pilots' associations.</p> <p>Justification: This is required to keep aerodromes as uniform as possible and matching worldwide standards.</p>
response	<p><i>Noted</i></p> <p>It is the responsibility of the aerodrome operator to conduct the assessment. In this process, the aerodrome operator will determine the type of expertise needed and the means to be used for each assesement.</p>
comment	<p>1708 comment by: <i>ECA - European Cockpit Association</i></p> <p>Comment on (b)(3): The applicant should also perform and document an assessment of compliance with standards and safety requirements in which all parties involved in the operation at that aerodrome and in any case pilots of local</p>

	<p>pilots' associations shall be involved.</p> <p>Justification: As an aerodrome has to be safe for any person working on it possible hazards to operation and / or safety should be assessed involving all concerned parties prior to certification. Identified hazards shall be mitigated to the minimum extent possible.</p>
response	<p><i>Noted</i></p> <p>It is the responsibility of the aerodrome operator to conduct the assessment. In this process, the aerodrome operator will determine the type of expertise needed and the means to be used for each assessement.</p>
comment	<p>2401 comment by: <i>Dublin Airport Authority</i></p> <p>DAA supports a process whereby not all minor changes require prior approval.</p>
response	<p><i>Noted</i></p>
comment	<p>2735 comment by: <i>Aberdeen Airport Airside Operations</i></p> <p>AR.OR.B.015 (b) (3) - Support</p> <p>BAA Aberdeen supports a process whereby not all changes need prior approval</p> <p>AR.OR.B.015 (b) (7) - Delete "qualifications and experience"</p> <p>This is too much detail in an IR and is not needed</p>
response	<p><i>Accepted</i></p> <p>With regard to the provisions of AR.OR.B.015 (b) (7), the text has been modified as suggested.</p>

ANNEX II - Part-OR - ADR.OR.B.005 — Certification obligations of aerodromes and aerodrome operators

p. 39

comment	<p>443 comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i></p> <p>EASA shall respect member states competence to have already implemented instruments and procedures to legalize the operation of an (existing) aerodrome. National approvals to establish and operate aerodromes cover aspects that go far beyond the assessment of compliance with technical standards. For example, aspects that also need to be considered are: compliance with prerequisites of environmental protection, city planning and aviation noise protection.</p>
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response

Noted

The proposed rules cover only the safety aspect of the aerodrome certification with regard to design/operation. Any other national or EU law that is relevant to the development or operation of an aerodrome is not affected. See for instance the content of GM1-ADR.AR.C.015, GM1-ADR.OR.B.015).

comment

841

comment by: *Union des Aéroports français - UAF*Attachment [#162](#)

UAF NPA 2011-20 (B.I) ADR.OR.B.005

Référence: ADR.OR.B.005

"Notwithstanding the provisions of Article 5 and 6 of this Regulation, prior to commencing the operation of an aerodrome, the aerodrome operator shall obtain a certificate issued by the competent authority."

Traduction de courtoisie

It is noted that the aerodrome operator, in order to operate, must obtain a certificate from the competent authority who verified that the operator complies with the certification basis and IR. However, this cannot be done because the operator has not exploited yet. The certificate issued to an operator who has not yet begun operation has therefore not the same value as the certificate issued to an operator who already operates. We must find a solution that would handle the situation. This is why we advocate the possibility of having a certificate of limited duration said temporary (six months for example) that allows the competent authority to make the necessary audits necessary to certification and to treat the change of operator in a simple and efficient way.

response

Not accepted

ADR.AR.C.015 foresees that the competent authority shall determine the conditions under which the aerodrome will operate during the certification process.

comment

1124

comment by: *ADP : Aeroports de Paris*

Référence: ADR.OR.B.005

"Notwithstanding the provisions of Article 5 and 6 of this Regulation, prior to commencing the operation of an aerodrome, the aerodrome operator shall obtain a certificate issued by the competent authority."

Proposition/commentaire

Il est noté que l'exploitant d'aérodrome, pour pouvoir exploiter, doit obtenir un certificat délivré par l'autorité compétente qui a vérifié que l'exploitant est conforme à la base de certification et aux IR. Or, cela ne peut être fait puisque l'exploitant n'a pas encore exploité. Le certificat délivré à un exploitant qui n'a pas encore débuté l'exploitation n'a donc pas la même valeur que le certificat délivré à un exploitant qui opère déjà.

Il faut donc trouver une solution qui permette de gérer la situation. C'est pour cela que nous préconisons la possibilité d'avoir un certificat à durée limitée dit temporaire ou provisoire (6 mois par exemple) qui permet ainsi à l'autorité compétente de faire les audits nécessaires à la certification et de traiter de manière simple et efficace le changement d'exploitant.

Justification

Traduction de courtoisie

It is noted that the aerodrome operator, in order to operate, must obtain a certificate from the competent authority who verified that the operator complies with the certification basis and IR. However, this cannot be done because the operator has not exploited yet. The certificate issued to an operator who has not yet begun operation has therefore not the same value as the certificate issued to an operator who already operates.

We must find a solution that would handle the situation. This is why we advocate the possibility of having a certificate of limited duration said temporary (six months for example) that allows the competent authority to make the necessary audits necessary to certification and to treat the change of operator in a simple and efficient way.

response *Not accepted*

ADR.AR.C.015 foresees that the competent authority shall determine the conditions under which the aerodrome will operate during the certification process.

comment *1187* comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

Formulierung in ADR.OR.B.005 kann nur für Neuanlagen und nicht für bereits existierende Bestandflughäfen gelten.

Phrasing in ADR.OR.B.005 could only apply to new aerodromes, not for existing aerodromes.

response *Not accepted*

During the first application of the proposed rules, existing aerodromes will be certified in accordance with the provisions of article 6 of the proposed regulation.

Existing aerodromes that in the future will enter the applicability scope of the proposed rules will have to comply with the provisions of the Annexes defining the certification process, as in accordance with article 8a (2) of the Basic Regulation "... a certificate shall be required in respect of each aerodrome. The certificate and certification of changes to that certificate shall be issued when the applicant has shown that the aerodrome complies with the aerodrome certification basis set out in point (b), and that the aerodrome has no feature or characteristic making it unsafe for operation. The certificate shall cover the aerodrome, its operation and its safety-related equipment"

comment	<p>1581 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #163</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.B.005</p> <p>Référence: ADR.OR.B.005 "Notwithstanding the provisions of Article 5 and 6 of this Regulation, prior to commencing the operation of an aerodrome, the aerodrome operator shall obtain a certificate issued by the competent authority."</p> <p>Traduction de courtoisie It is noted that the aerodrome operator, in order to operate, must obtain a certificate from the competent authority who verified that the operator complies with the certification basis and IR. However, this cannot be done because the operator has not exploited yet. The certificate issued to an operator who has not yet begun operation has therefore not the same value as the certificate issued to an operator who already operates. We must find a solution that would handle the situation. This is why we advocate the possibility of having a certificate of limited duration said temporary (six months for example) that allows the competent authority to make the necessary audits necessary to certification and to treat the change of operator in a simple and efficient way.</p>
response	<p><i>Not accepted</i></p> <p>ADR.AR.C.015 foresees that the competent authority shall determine the conditions under which the aerodrome will operate during the certification process.</p>
comment	<p>1957 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>It is noted that the aerodrome operator, in order to operate, must obtain a certificate from the competent authority who verified that the operator complies with the certification basis and IR. However, this cannot be done because the operator has not exploited yet. The certificate issued to an operator who has not yet begun operation has therefore not the same value as the certificate issued to an operator who already operates. We must find a solution that would handle the situation. This is why we advocate the possibility of having a certificate of limited duration said temporary (six months for example) that allows the competent authority to make the necessary audits necessary to certification and to treat the change of operator in a simple and efficient way.</p>
response	<p><i>Not accepted</i></p> <p>ADR.AR.C.015 foresees that the competent authority shall determine the conditions under which the aerodrome will operate during the certification process.</p>
comment	<p>2181 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #164</p> <p>UAF NPA 2011-20 (B.I) ADR.OR.B.005</p> <p>Référence: ADR.OR.B.005</p>

"Notwithstanding the provisions of Article 5 and 6 of this Regulation, prior to commencing the operation of an aerodrome, the aerodrome operator shall obtain a certificate issued by the competent authority."

Traduction de courtoisie
 It is noted that the aerodrome operator, in order to operate, must obtain a certificate from the competent authority who verified that the operator complies with the certification basis and IR. However, this cannot be done because the operator has not exploited yet. The certificate issued to an operator who has not yet begun operation has therefore not the same value as the certificate issued to an operator who already operates. We must find a solution that would handle the situation. This is why we advocate the possibility of having a certificate of limited duration said temporary (six months for example) that allows the competent authority to make the necessary audits necessary to certification and to treat the change of operator in a simple and efficient way.

response *Not accepted*

ADR.AR.C.015 foresees that the competent authority shall determine the conditions under which the aerodrome will operate during the certification process.

comment 2202 comment by: AESA - Agencia Estatal de Seguridad Aérea

Notwithstanding the provisions of [Article 5](#) and 6 of this Regulation, prior to commencing the operation of an aerodrome, the aerodrome operator shall obtain a certificate issued by the competent authority.

Article 5 is related to Airworthiness, so it should be replaced Article 5 by Article 8a Aerodromes.

response *Not accepted*

Article 5 and 6 mentioned in ADR.OR.B.005 are not article 5 and 6 of the Basic Regulation (which indeed deal with airworthiness and environmental protection respectively).

The proposed set of rules consists of 1 Regulation (implementing rule) which contains in total 11 articles and has attached 3 Annexes (Annex I, II and III). ADR.OR.B.005 is placed in Annex II and refers to article 5 (Exemptions) and 6 (Conversion of certificates) of this implementing rule.

comment 2211 comment by: ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD

Attachment [#165](#)

ADBM - NPA 2011-20 (B.I) ADR.OR.B.005

Référence: ADR.OR.B.005
 "Notwithstanding the provisions of Article 5 and 6 of this Regulation, prior to commencing the operation of an aerodrome, the aerodrome operator shall obtain a certificate issued by the competent authority."

Traduction de courtoisie

It is noted that the aerodrome operator, in order to operate, must obtain a certificate from the competent authority who verified that the operator complies with the certification basis and IR. However, this cannot be done because the operator has not exploited yet. The certificate issued to an operator who has not yet begun operation has therefore not the same value as the certificate issued to an operator who already operates. We must find a solution that would handle the situation. This is why we advocate the possibility of having a certificate of limited duration said temporary (six months for example) that allows the competent authority to make the necessary audits necessary to certification and to treat the change of operator in a simple and efficient way.

response *Not accepted*

ADR.AR.C.015 foresees that the competent authority shall determine the conditions under which the aerodrome will operate during the certification process.

comment 2254 comment by: *Birmingham Airport - BHX/EGBB*
(1) & (2) 'Vicinity' is too vague - area needs to be better defined.

response *Accepted*

The Agency cannot relate this particular comment to the content of the relevant requirement. However, the Agency has replaced the term "vicinity" with the term "surroundings" in the relevant texts, as the latter is used in the relevant provisions of the Basic Regulation. The meaning of the term "surroundings" is now elaborated, depending on the context it is used (e.g. wild-life hazard, aerodrome safeguarding etc).

comment 2405 comment by: *Pau Pyrénées Airport - PUF/LFBP*

It is noted that the aerodrome operator, in order to operate, must obtain a certificate from the competent authority who verified that the operator complies with the certification basis and IR. However, this cannot be done because the operator has not exploited yet. The certificate issued to an operator who has not yet begun operation has therefore not the same value as the certificate issued to an operator who already operates. We must find a solution that would handle the situation. This is why we advocate the possibility of having a certificate of limited duration said temporary (six months for example) that allows the competent authority to make the necessary audits necessary to certification and to treat the change of operator in a simple and efficient way.

response *Not accepted*

ADR.AR.C.015 foresees that the competent authority shall determine the conditions under which the aerodrome will operate during the certification process.

comment 2935 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OR.B.005 "Notwithstanding the provisions of Article 5 and 6 of this Regulation, prior to commencing the operation of an

	aerodrome, the aerodrome operator shall obtain a certificate issued by the competent authority.”
Proposition/commentaire	<p>Il est noté que l'exploitant d'aérodrome, pour pouvoir exploiter, doit obtenir un certificat délivré par l'autorité compétente qui a vérifié que l'exploitant est conforme à la base de certification et aux IR. Or, cela ne peut être fait puisque l'exploitant n'a pas encore exploité. Le certificat délivré à un exploitant qui n'a pas encore débuté l'exploitation n'a donc pas la même valeur que le certificat délivré à un exploitant qui opère déjà.</p> <p>Il faut donc trouver une solution qui permette de gérer la situation. C'est pour cela que nous préconisons la possibilité d'avoir un certificat à durée limitée dit temporaire ou provisoire (6 mois par exemple) qui permet ainsi à l'autorité compétente de faire les audits nécessaires à la certification et de traiter de manière simple et efficace le changement d'exploitant.</p>
Justification	
Traduction de courtoisie	<p>It is noted that the aerodrome operator, in order to operate, must obtain a certificate from the competent authority who verified that the operator complies with the certification basis and IR. However, this cannot be done because the operator has not exploited yet. The certificate issued to an operator who has not yet begun operation has therefore not the same value as the certificate issued to an operator who already operates.</p> <p>We must find a solution that would handle the situation. This is why we advocate the possibility of having a certificate of limited duration said temporary (six months for example) that allows the competent authority to make the necessary audits necessary to certification and to treat the change of operator in a simple and efficient way.</p>
response	<p><i>Not accepted</i></p> <p>ADR.AR.C.015 foresees that the competent authority shall determine the conditions under which the aerodrome will operate during the certification process.</p>

ANNEX II - Part-OR - ADR.OR.B.010 – Eligibility

p. 39

comment	<p>2125 comment by: <i>Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology</i></p> <p>Neither Basic Regulation nor ADR.AR.C.015 / ADR.OR.B.010 provide for any detailed criteria on the basis of which the applicant's eligibility may be verified. ADR.OR.B.010 rules out that a person shall be eligible for a certificate when he/she has shown compliance with the applicable requirements of the Basic Regulation and its Implementing Rules. That would refer to the result of the certification process. According to ADR.AR.C.015, the eligibility verification is, however, meant to be the first step into the certification process. Therefore, it is necessary to specify as to which extent the authority should be required to conduct the relevant verification.</p>
response	<p><i>Noted</i></p> <p>The Agency has deleted the relevant requirement.</p>

comment	<p>3084 comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i></p> <p>Neither Basic Regulation nor ADR.AR.C.015 / ADR.OR.B.010 provide for any detailed criteria on the basis of which the applicant's eligibility may be verified. ADR.OR.B.010 rules out that a person shall be eligible for a certificate when he/she has shown compliance with the applicable requirements of the Basic Regulation and its Implementing Rules. That would refer to the result of the certification process. According to ADR.AR.C.015, the eligibility verification is, however, meant to be the first step into the certification process. Therefore, it is necessary to specify as to which extent the authority should be required to conduct the relevant verification.</p>
response	<p><i>Noted</i></p> <p>The Agency has deleted the relevant requirement.</p>

ANNEX II - Part-OR - ADR.OR.B.015 – Application for a certificate

p. 39-40

comment	<p>114 comment by: <i>Flughafen Düsseldorf GmbH</i></p> <p>(b) An applicant shall provide the following information to the competent authority: (1) <u>its official name and business name, address, and mailing address;</u></p> <p>(2) information and data regarding:</p> <p>(i) the location of the aerodrome,</p> <p>(ii) the type of operations at the aerodrome, and</p> <p>(iii) the design and facilities of the aerodrome;</p>
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- (3) (3) the proposed applicable Certification Specifications and documentation demonstrating how it will comply with the applicable requirements established in Regulation (EC) No 216/2008 and its Implementing Rules.
Such documentation shall include a procedure, contained in the aerodrome manual, describing how changes not requiring prior approval will be managed and notified to the competent authority;
- (4) (4) adequacy of resources to operate the aerodrome in accordance with the applicable requirements;
- (5) (5) document showing the relationship of the applicant with the aerodrome owner and/or the land owner;
- (6) the name of the accountable manager[g2] ;

[g2]Sind hiermit die Geschäftsführer gemeint?

response *Partially accepted*

The accountable manager is the person who is accountable to the competent authority. It should belong to the highest level of management and the name of this post differs from state to state, while it depends on the legal personality of the aerodrome operator.

The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material; however, the Agency has added new guidance material to further elaborate the issue.

comment 297 comment by: *BAA Airside operations*

(b) (3) Support.
BAA supports a process whereby not all changes need prior approval.

(b) (7) Delete "qualifications and experience"
This is too much detail in an IR and is not needed.

response *Accepted*

Paragraph (b) (7) was amended as suggested.

comment 394 comment by: *Edinburgh Airport*

ADR.OR.B.015 (b) (3) - Support
Edinburgh Airport supports a process whereby not all changes need prior approval.

response *Noted*

comment 395 comment by: *Edinburgh Airport*

	ADR.OR.B.015 (b) (7) - Delete "qualifications and experience" Justification - This is too much detail in an IR and is not needed.
response	<i>Accepted</i> Paragraph (b) (7) was amended as suggested.
comment	459 comment by: <i>Avinor</i> ADR.OR.B.015 (b)(3) Delete "notified". It should not be necessary to notify all changes.
response	<i>Not accepted</i> The Agency believes that all changes pertaining to aerodrome safety should either be priorly approved or be notified to the competent authority.
comment	580 comment by: <i>Belfast International Airport - BFS/EGAA</i> Strongly agree
response	<i>Noted</i>
comment	622 comment by: <i>Flughafen Düsseldorf GmbH</i> b) 6) Wer ist mit "Accountable Manager" gemeint? Dies muss definiert werden. Geschäftsführer oder Verkehrsleiter nach § 45 LuftVZO? b) 7) Hier sollte zum besseren Verständnis nicht nur ein Verweis erfolgen sondern ggf. eine Aufzählung bzw. Beispiele genannt werden.
response	<i>Partially accepted</i> The accountable manager is the person who is accountable to the competent authority. It should belong to the highest level of management and the name of this post differs from state to state, while it depends on the legal personality of the aerodrome operator. The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material. Relevant guidance for the implementation of the requirements exist in the AMC and GM; however, the Agency has added new guidance material to further elaborate the issue.
comment	651 comment by: <i>Exeter International Airport</i> ADR.OR.B.015 (b) (3) : Exeter Airport supports a process whereby not all changes need prior approval.
response	<i>Noted</i>

comment	652	comment by: <i>Exeter International Airport</i>
	ADR.OR.B.015 (b) (7) : Delete "qualifications and experience". This is too much detail in an IR and is not needed.	
response	<i>Accepted</i>	
	Paragraph (b) (7) was amended as suggested.	
comment	751	comment by: <i>Airport Nuremberg - NUE/EDDN</i>
	The term "accountable manager" should be specified in greater detail. Does the accountable manager comply with the head of airport operations, the safety manager or the chief executive officer? The according tasks of the "accountable manager" refer to all three of above mentioned entities, therefore clarification is necessary!	
response	<i>Accepted</i>	
	The accountable manager is the person who is accountable to the competent authority. It should belong to the highest level of management and the name of this post differs from state to state, while it depends on the legal personality of the aerodrome operator.	
	The role and responsibilities of the accountable manager are clarified in ADR.OR.D.015 and the related AMC and guidance material; however the Agency has added additional guidance material regarding the accountable manager.	
comment	1007	comment by: <i>Avinor</i>
	ADR.OR.B.015 (b) (7). Delete "qualifications and experience". This is too much detail in an IR and is not needed.	
response	<i>Accepted</i>	
	Paragraph (b) (7) was amended as suggested.	
comment	1025	comment by: <i>Dublin Airport Authority</i>
	DAA supports a process whereby not all minor changes require prior approval.	
response	<i>Noted</i>	
comment	1069	comment by: <i>Bristol Airport - BRS/EGGD</i>
	ADR.OR.B.015 (b) (3)	Support Bristol Airport supports a process whereby not all changes need prior approval.
response	<i>Noted</i>	

comment	1070	comment by: Bristol Airport - BRS/EGGD
	ADR.OR.B.015 (b) (7)	Delete "qualifications and experience" This is too much detail in an IR and is not needed.
response	Accepted Paragraph (b) (7) was amended as suggested.	

comment	1121	comment by: Bezirksregierung Düsseldorf / Luftverkehr
	<p>Die gemäß ADR.OR.B.015(b) durch den Antragsteller beizubringenden Unterlagen sind im Vergleich zu den deutschen Forderungen aus § 40 LuftVZO unvollständig und nicht ausreichend. Sie sind entsprechend in ADR.OR.B.015(b) zu ergänzen.</p> <p><i>The informations respectively the documents wich shall be provided by the applicant to the competent authority are insufficient in comparison to the german rules. ADR.OR.B015(b) must be amended accordingly.</i></p> <p><u>§ 40 LuftVZO - Antrag auf Erteilung der Genehmigung</u> (1) Der Antrag auf Erteilung der Genehmigung muss enthalten</p> <ol style="list-style-type: none"> 1. den Namen, Wohnsitz oder Sitz des Antragstellers, eine Erklärung über schwebende Strafverfahren und darüber, dass ein Führungszeugnis nach § 30 des Bundeszentralregistergesetzes zur Vorlage bei der Genehmigungsbehörde beantragt worden ist, bei juristischen Personen und Gesellschaften des Handelsrechts außerdem den Namen und Wohnsitz der vertretungsberechtigten Personen sowie auf Verlangen eine Bescheinigung des Registergerichts, dass die Eintragung in das Vereins-, Handels- oder Genossenschaftsregister nur noch von der Erteilung der Genehmigung abhängt, 2. die Angabe der Staatsangehörigkeit, sofern der Antragsteller eine natürliche Person ist, 3. den Nachweis der wirtschaftlichen Leistungsfähigkeit des Antragstellers, 4. die Angaben über die bestehenden örtlichen und baulichen Verhältnisse des Geländes, bei Wasserflughäfen auch über den Verkehr von Wasserfahrzeugen, 5. eine Beschreibung der geplanten Anlagen und Betriebseinrichtungen sowie der beabsichtigten Flug- und Flughafenbetriebsabwicklung, 6. a) einen Übersichtsplan im Maßstab 1:25.000 mit Höhenschichtlinien, aus dem ersichtlich sind die Grenzen des Flughafens, die Anfluggrundlinien, die Einzelheiten des Ausbauplans, der Bauschutzbereich gegebenenfalls mit einem Vorschlag für Höhenfestlegungen nach den §§ 13 und 	

- 15 des Luftverkehrsgesetzes, die Rollbahnen, die Vorfeldflächen, die Bebauungszone mit Bauhöhen und die Luftfahrthindernisse im Bauschutzbereich, bei Wasserflughäfen außerdem die Wassertiefen, die Stromrichtung und -geschwindigkeit, die Fahrrinnen und die Anker- und Anlegestellen für Wasserfahrzeuge,**
- b)**
einen Lageplan des Gebietes bis mindestens zwei Kilometer von den Enden der Start- und Landeflächen und bis mindestens 1,5 Kilometer beiderseits der Anfluggrundlinien im Maßstab 1:5.000 oder 1:2.500 mit den unter Buchstabe a bezeichneten Eintragungen,
- 7.**
- a)**
je einen Längsschnitt durch die Mittellinie der Start- und Landeflächen mit den Sicherheitsflächen und Anflugsektoren im Längenmaßstab 1:25.000 und im Höhenmaßstab 1:2.500; die höchsten Erhebungen in den genannten Flächen und Sektoren sowie die tiefsten Vertiefungen in den genannten Flächen zu beiden Seiten der Schnittlinie sind deutlich unterscheidbar auf die Längsschnitte zu projizieren,
- b)**
je einen Längsschnitt durch die unter Buchstabe a bezeichneten Mittellinien bis mindestens zwei Kilometer von den Enden der Start- und Landeflächen im Längenmaßstab 1:5.000 und im Höhenmaßstab 1:500 oder im Längenmaßstab 1:2.500 und im Höhenmaßstab 1:250 mit den unter Buchstabe a zweiter Halbsatz bezeichneten Eintragungen,
- c)**
Querschnitte durch die Start- und Landeflächen und die Sicherheitsflächen im Maßstab 1:2.500,
- 8.**
bei Flughäfen, die in mehreren Stufen ausgebaut werden, in den nach den Nummern 5 bis 7 beizubringenden Unterlagen eine besonders herausgehobene Darstellung der ersten Ausbaustufe,
- 9.**
ein Gutachten des Deutschen Wetterdienstes über die flugklimatologischen Verhältnisse und über die Möglichkeiten einer Flugwetterberatung,
- 10.**
das Gutachten
- a)**
eines technischen Sachverständigen über das Ausmaß des Fluglärms, der in der Umgebung des Flughafens zu erwarten ist, und
- b)**
eines medizinischen Sachverständigen über die Auswirkung dieses Lärms auf die Bevölkerung,
- 11.**
bei Sonderflughäfen die Angabe des Zwecks, dem dieser dienen soll.
- (2) Die Genehmigungsbehörde kann weitere Unterlagen, insbesondere auch Sachverständigengutachten, fordern. Sie bestimmt, in welcher Anzahl der Antrag und die Unterlagen**

	<i>einzureichen sind.</i>
response	<i>Partially accepted</i> The information mentioned in the rule is further detailed in the relevant AMC, which will be further amended to include further information that is considered to be necessary.
comment	1125 comment by: <i>Swedish Regional Airport Association</i> Aerodrome manuals shall be made available to the authority.
response	<i>Not accepted</i> If the meaning of the comment is that a copy of the manual should not be kept with the authority, then the comment is not accepted, because the authority should, at any time, be in a position to review the approved aerodrome manual, and if necessary require a change.
comment	1268 comment by: <i>Blackpool Airport - BLK/EGNH</i> ADR.OR.B.015 (b) (3) : Blackpool Airport supports a process whereby not all changes need prior approval.
response	<i>Noted</i>
comment	1269 comment by: <i>Blackpool Airport - BLK/EGNH</i> ADR.OR.B.015 (b) (7) : Delete "qualifications and experience". This is too much detail in an IR and is not needed.
response	<i>Accepted</i> Paragraph (b) (7) was amended as suggested.
comment	1335 comment by: <i>Gatwick Airport Ltd</i> (b) (3) Support London Gatwick supports a process whereby not all changes need prior approval. (B) (4) Delete...all detail regarding adequacy of resource to operate the aerodrome Justification This should be contained within the aerodrome manual (b) (7) Delete "qualifications and experience"

	Justification This is too much detail in an IR and is not needed.
response	<i>Partially accepted</i> However, with regard to paragraph (b) (4) the Agency does not share the view that such information is contained in the aerodrome manual. The actual information to be provided in order to demonstrate compliance with the requirement may be found in the relevant AMC [AMC1-ADR.OR.B.015(b)(4) and AMC2-ADR.OR.B.015(b)(4)]. Paragraph (b) (7) has been amended as suggested.
comment	1399 comment by: <i>Brussels Airport - BRU/EBBR</i> full support to ADR.OR.B.015(b)(3) & to ADR.OR.B.015(b)(7) (see also my remark on Appendix II, pag. 34)
response	<i>Noted</i>
comment	1736 comment by: <i>CAA Norway</i> We support a procedure whereby not all changes need prior approval, as provided in ADR.OR.B.015 (b)(3).
response	<i>Noted</i>
comment	1784 comment by: <i>UK CAA</i> Page No: 40 Paragraph No: ADR.OR.B.015(b)(4) Comment: Missing a subject. Justification: Clarity. Proposed Text: "information showing adequacy of resources..."
response	<i>Accepted</i> Indeed the particular subparagraph is not grammatically correct. However given that paragraph (b) contains already the word "information" the sentence has been amended in another way.
comment	1786 comment by: <i>UK CAA</i> Page No: 40

Paragraph No: ADR.OR.B.015(b)(5)

Comment: This provision requires submission of a document showing the relationship of the applicant with the aerodrome owner and/or the land owner. There is no indication of what kind of document is required (a legal document?) nor what a competent authority is to do with such a document. The CAA believes that the rule should require evidence but not specify how this is achieved.

Justification: The competent authority will not issue the certificate until it has received confirmation and is assured that the aerodrome operator has the right to operate the aerodrome.

Proposed Text: (5) **evidence** showing the relationship of the applicant with the aerodrome owner and/or the land owner.

response *Partially accepted*

The Agency believes that such evidence should be documented. The draft rule has been amended accordingly.

comment

1794

comment by: UK CAA

Page No: 40

Paragraph No: ADR.OR.B.015(b)(7)

Comment: The application does not need to include qualifications and experience for any of the nominated persons required.

Justification: The UK CAA considers that consistent provisions should be used in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified. In this case, the UK CAA considers that the approach followed for other organisations, in domains where specific roles have been long established often together with recognised qualifications, may not be relevant. The variety in sizes and types of aerodromes covered by this regulation suggest that a more flexible approach is desirable; what matters is overall competence rather individual qualifications and experience. Competence will be assessed during the certification process.

Proposed Text: DELETE "together with their qualifications and experience".

response *Accepted*

Paragraph (b) (7) was amended as suggested.

comment

1795

comment by: UK CAA

Page No: 40

Paragraph No: ADR.OR.B.015 (c)

Comment: The requirements in ADR.OR.B.015 are similar to those found

in IRs already agreed for Aircrew and Operations, in particular ORA.GEN.115 and ORO.GEN.115, but the provision that information may be provided at a later stage is new. Additionally, it is suggested that its nature (the words "if appropriate" and "may" suggest that it need not be a rule. This difference should be justified or resolved.

Justification: The UK CAA supports using consistent provisions in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified. It is noted that (a) and (b) do not specify the stages or timing of when information should be provided so it seems unnecessary to state in the rule that a competent authority **may** determine the provision of information "at a later stage". The UK CAA asks that consideration be given to moving this either to Guidance Material or AMC and if so, to consider whether GM or AMC for Aircrew and Operations needs to reflect the same advice.

Proposed Text: Delete (c) and move it to AMC or GM.

response *Not accepted*

This provision is considered specific to the nature of aerodromes as they may take longer preparation time and the information on nominated persons as well as the aerodrome manual may be submitted later on.

comment

1872

comment by: *Stansted Airport*

ADR.OR.B.015 (b) (3)

Support

BAA supports a process whereby not all changes need prior approval.

response

Noted

comment

1874

comment by: *Stansted Airport*

ADR.OR.B.015 (b) (7)

Delete "qualifications and experience"

This is too much detail in an IR and is not needed.

response

Accepted

Paragraph (b) (7) was amended as suggested.

comment

1958

comment by: *London Luton Airport Operations Ltd*

At (3) (7) there is a limiting factor in providing qualifications and experiecne, this is not required.

response

Accepted

Paragraph (b) (7) was amended as suggested.

comment	2034	comment by: <i>Airport Operators Association</i>
	<p>ADR.OR.B.015 (b) (3) AOA supports a process whereby not all changes need prior approval.</p> <p>ADR.OR.B.015 (b) (7) Delete "qualifications and experience" Justification - This is too much detail for an IR and is not needed.</p>	
response	<p><i>Accepted</i></p> <p>Paragraph (b) (7) was amended as suggested.</p>	
comment	2235	comment by: <i>Birmingham Airport - BHX/EGBB</i>
	<p>Birmingham Airport supports the concept of a process ADR.OR.B.015 (b) (3) that not all changes need to have prior competent authority approval; without this operation would be very cumbersome</p>	
response	<p><i>Noted</i></p>	
comment	2482	comment by: <i>East Midlands Airport - EMA/EGNX</i>
	<p>(b) (3) Support</p> <p>East Midlands Airport supports a process whereby not all changes need prior approval.</p>	
response	<p><i>Noted</i></p>	
comment	2483	comment by: <i>East Midlands Airport - EMA/EGNX</i>
	<p>(b) (7) Delete "qualifications and experience"</p> <p>This is too much detail in an IR and is not needed.</p>	
response	<p><i>Accepted</i></p> <p>Paragraph (b) (7) was amended as suggested.</p>	
comment	2525	comment by: <i>Shannon Airport</i>
	<p>Shannon Airport supports a process whereby not all minor changes require prior approval.</p>	
response	<p><i>Noted</i></p>	
comment	2616	comment by: <i>Infratil Airports Europe Ltd</i>
	<p>Page No: 39</p> <p>Paragraph No: ADR.OR.B.015 (b) (3)</p>	

Comment: IAEL supports a process whereby not all changes need prior approval.

response *Noted*

comment 2617 comment by: *Infratil Airports Europe Ltd*

Page No: 40

Paragraph No: ADR.OR.B.015 (b) (7)

Comment: This is too much detail in an IR and is not needed. Delete "qualifications and experience"

response *Accepted*

Paragraph (b) (7) was amended as suggested.

comment 2667 comment by: *HIA - Highlands and Islands Airports Limited*

B.015 b (3) - Inclusion of statement in aerodrome manual describing process how changes not requiring prior approval will be managed and notified to competent authority - Support this item

response *Noted*

comment 2702 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.B.015 (b) (3)	Support	LJLA supports a process whereby not all changes need prior approval.
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response *Noted*

comment 2703 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.B.015 (b) (7)	Delete "qualifications and experience"	This is too much detail in an IR and is not needed.
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response *Accepted*

Paragraph (b) (7) was amended as suggested.

comment 2760 comment by: *TAG Farnborough Airport Ltd*

I do not think that qualifications and experience should be included in para (7)

response *Accepted*

Paragraph (b) (7) was amended as suggested.

comment 2875 comment by: *Swedavia AB - Swedish airports (currently 11*

	<i>airports)</i>
	ADR.OR.B.015 (b) (3) Delete "notified". It should not be necessary to notify all changes.
	ADR.OR.B.015 (b) (7). Delete "qualifications and experience". This is too much detail in an IR and is not needed.
response	<i>Accepted</i> Paragraph (b) (7) was amended as suggested.
comment	2983 comment by: <i>Norwich International Airport</i> ADR.OR.B.015 (b) (3) NWI supports a process whereby not all changes need prior approval.
response	<i>Noted</i>
comment	3030 comment by: <i>DAA Cork Airport</i> DAA supports a process whereby not all minor changes require prior approval.
response	<i>Noted</i>
comment	3136 comment by: <i>Isavia</i> ADR.OR.B.015 (b)(3) Delete "notified". It should not be necessary to notify all changes.
response	<i>Not accepted</i> The Agency believes that all changes pertaining to aerodrome safety should either be priorly approved or be notified to the competent authority.
comment	3137 comment by: <i>Isavia</i> ADR.OR.B.015 (b) (7). Delete "qualifications and experience". This is too much detail in an IR and is not needed.
response	<i>Accepted</i> Paragraph (b) (7) was amended as suggested.
comment	3145 comment by: <i>Isavia</i> ADR.OR.B.015 (b)(3) Delete "notified". It should not be necessary to notify all changes.

response	<i>Not accepted</i> The Agency believes that all changes pertaining to aerodrome safety should either be priorly approved or be notified to the competent authority.
comment	3146 comment by: <i>Isavia</i> ADR.OR.B.015 (b) (7). Delete "qualifications and experience". This is too much detail in an IR and is not needed
response	<i>Accepted</i> Paragraph (b) (7) was amended as suggested.
comment	3256 comment by: <i>London Biggin Hill Airport</i> ADR.OR.B.015 (b)(3) We support a process whereby not all changes need prior approval. (b)(7) Delete "qualifications and experience" This is too much detail in an IR and is not needed.
response	<i>Accepted</i> , Paragraph (b) (7) was amended as suggested.
comment	3266 comment by: <i>CAA SR</i> In the following paragraph please specify type of resources that should be assessed. Is competetnt authority required to check also financial resorces of the aerodrome operator? ADR.OR.B.015 – Application for a certificate (b) An applicant shall provide the following information to the competent authority: (4) adequacy of resources to operate the aerodrome in accordance with the applicable requirements;
response	<i>Noted</i> Relevant information is included in the related AMC.
comment	3312 comment by: <i>Southampton Airport</i> Under (b) 3 - Southampton Airport supports a process wherby not all changes need prior approval
response	<i>Noted</i>
comment	3469 comment by: <i>Fraport AG</i> ADR.OR.B.015 - Application for a certificate (7) Editorial

	<p>the names of the nominated persons required by ADR.OR.D.015, together with their qualifications and experience; and</p> <p>Proposed Text the names of the nominated persons required by ADR.OR.D.015; and</p> <p>Fraport AG: This is too much detail in an IR and is not needed.</p>
response	<p><i>Accepted</i></p> <p>Paragraph (b) (7) was amended as suggested.</p>

ANNEX II - Part-OR - ADR.OR.B.025 — Compliance

p. 40

comment	<p>32 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>Delete "perform" and replace by "ensure that all actions, inspections.....exercises necessary are performed and documented, and shall demonstrate to the competent authority:"</p> <p>Justification: In case of subcontracted to a third party, than the aerodrome operator can not perform itself!</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>
comment	<p>33 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>Delete "perform" and replace by "ensure that all actions, inspections.....exercises necessary are performed and documented, and shall demonstrate to the competent authority:"</p> <p>Justification: in case of subcontracted to a third party, than the aerodrome operator can not perform itself!</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>

comment	<p>116 comment by: Flughafen Düsseldorf GmbH</p> <p>(ii) (i i) that the aerodrome, as well as <u>its defined obstacle limitation surfaces and other surfaces [g1]</u> have no features or characteristics making it unsafe for operation;</p> <hr/> <p>[g1]Die Hindernisfreiheit ist eine Angelegenheit, die in Deutschland die Behörden (BAF, Baubehörden) oder die DFS sichern.</p>
response	<p><i>Accepted</i></p> <p>The draft rules define the overall division of responsibilities, in accordance with the Basic Regulation. The aerodrome operator may also use other parties for demonstrating compliance.</p> <p>Moreover, the Agency has amended the relevant requirements to further clarify the requirement on the surfaces associated with an aerodrome and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.</p>
comment	<p>117 comment by: Flughafen Düsseldorf GmbH</p> <p>(b) (b) Relevant design information, drawings and test reports, including inspection and test records, shall be <u>held and kept [g1]</u> by the aerodrome operator at the disposal of the competent authority, in accordance with the provisions of ADR.OR.D.035 and provided on request to the competent authority.</p> <hr/> <p>[g1]Aufbewahrungsfrist?</p>
response	<p><i>Noted</i></p> <p>The retention period of the records is defined in ADR.OR.D.035.</p>
comment	<p>167 comment by: CAA-NL</p> <p>In (a) (1) we suggest to delete 'perform' and change into 'ensure that ... are performed' to make subcontracting of actions to third parties possible. As long as the aerodrome operator remains responsible.</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>
comment	<p>211 comment by: SWISS AERODROMES ASSOCIATION</p> <p>a) 1): As the performance of actions, etc... may be delegated or ensured by other entities by law, the wording should be "<u>ensures that all</u></p>

	<u>actions....are performed an documented, and shall contribute within its competence..." instad of "perform and document all actions..."</u>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>
comment	<p>277 comment by: <i>CAA Austria - Ministry of Transport</i></p> <p>Delete "perform" and replace by "ensure" that all actions, inspections.....exercises necessary are performed and documented, and shall demonstrate to the competent authority.</p> <p>(a)(1)(ii) What are the "other surfaces" mentioned in this article?</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p> <p>Apart from the obstacle limitation surfaces, there are also other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions. To further clarify the issue, the Agency has amended the relevant requirement and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.</p>
comment	<p>298 comment by: <i>BAA Airside operations</i></p> <p>(a) (1) Delete "perform and document" and replace with "ensure that"</p> <p>It is possible some of these may be done by third parties so the IR does not need to define that the operator has to perform these tasks themselves.</p> <p>(a) (3) Delete. There is no need to declare compliance on a form- it is enough to comply. The form is not needed.</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other</p>

hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

With regard to the required declaration, similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.

comment 350 comment by: *Danish Transport Authority*

(a) (1) (ii)
the description of "... and other surfaces ..." is not consistent with other parts of the IR, AMC, GM and SCs. The other surfaces apart of the obstacle limitation surfaces, mentioned are protection surfaces of navigation aids, the plane of the approach light, obstacle protection surface and obstacle clearance limits. Also obstacle free zones and critical/sensitive areas could be among the intended "other surfaces".

response *Accepted*

Indeed, apart from the obstacle limitation surfaces, there are also other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions, as commented. To further clarify the issue, the Agency has amended the relevant requirement and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.

comment 396 comment by: *Edinburgh Airport*

ADR.OR.B.025 (a) (1) - Delete "delete perform and document" and replace with "ensure that"
Justification - It is possible these may be done by third parties so the IR does not need to define that the operator has to perform these tasks themselves.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 397 comment by: *Edinburgh Airport*

ADR.OR.B.025 (a) (3) - Delete - There is no need to declare compliance on a form.

response *Not accepted*

Similar declaration requirements exist also in aircraft certification rules,

while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.

comment	<p>460 comment by: <i>Avinor</i></p> <p>ADR.OR.B.025 (a) (1). Delete "perform" and replace by "ensure that all actions, inspections.....exercises necessary are performed and documented, and shall demonstrate to the competent authority:"</p> <p>In case of subcontracted to a third party, then the aerodrome operator can not perform itself.</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>
comment	<p>591 comment by: <i>Flughafen Düsseldorf GmbH</i></p> <p>Für den Begriff "perform" wäre hier die Formulierung "make sure that" oder ähnliches sinnvoller, im Hinblick auf eine eventuelle Beauftragung Dritter.</p> <p>Die Notwendigkeit zur Durchführung und Dokumentation von Übungen ist bereits hinreichend für Notfallübungen geregelt. Ist hier etwas weitergehendes gemeint? Wenn ja, wer ist dann an einem Flughafen dafür verantwortlich?</p>
response	<p><i>Partially accepted</i></p> <p>Under this requirement, the aerodrome operator is required to demonstrate and document its compliance with the certification basis and the relevant requirements, as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>
comment	<p>602 comment by: <i>Vienna International Airport</i></p> <p>(a)(1)(ii) What are "other surfaces"? Definition is needed</p>
response	<p><i>Accepted</i></p> <p>Apart from the obstacle limitation surfaces, there are also other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions. To further clarify the issue, the Agency has amended the relevant requirements and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the</p>

cover Regulation.

comment 653 comment by: *Exeter International Airport*

ADR.OR.B.025 (a)(3) : There is no need to declare compliance on a form-it is enough to comply. The form is not needed.

response *Not accepted*

Similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.

comment 759 comment by: *Airport Nuremberg - NUE/EDDN*

The part of demonstrating compliance with the notified certification basis and especially demonstrating that the airport has not features and characteristics making it unsafe for operation is too general and should be specified in greater detail. It is not defined who is responsible and to which extend. For more clarification a similar phrasing to the German LuftVZO §45 should be adapted!

response *Noted*

It is the aerodrome operator who has to demonstrate compliance with the certification basis. On the other hand, the aerodrome operator can demonstrate compliance by using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 842 comment by: *Union des Aéroports français - UAF*

Attachment [#166](#)

UAF NPA 2011-20 (B.I) ADR.OR.B.025 (a) (1)

Référence: ADR.OR.B.025 (a) (1)

"perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:"

Traduction de courtoisie
We propose the following amendment: "~~perform and document~~ ensure ~~that~~ all actions, inspections, tests, safety assessments or exercises necessary, ~~and shall demonstrate to the competent authority~~ are performed and documented to the competent authority:"

This amendment removes a burden that would fall on the operator and allows him/her not to do and document him/herself any action, inspection, test, safety assessment or exercise necessary.

The aerodrome operator could then transfer these responsibilities to an external service and simply make sure that this service has performed them with the competent authority while retaining responsibility. Thus, with regard to (ii) relating to the OLS, it would be possible to use a service provider of air navigation services, other than a subcontractor,

	which would demonstrate.
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>
comment	<p>903 comment by: <i>Aéroport La Rochelle - LRH/LFBH</i></p> <p>Attachment #167</p> <p>LFBH NPA 2011-20 (B.I) ADR.OR.B.025 (a) (1)</p> <p>Référence: ADR.OR.B.025 (a) (1) "perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:"</p> <p>Proposition/commentaire Il convient d'apporter la modification suivante: "perform and document ensure that all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority are performed and documented to the competent authority:"</p> <p>Justification Cette modification supprime une charge qui incomberait à l'opérateur et l'autorise à ne plus faire et documenter lui-même toute action, inspection, test, évaluation de sécurité ou exercice nécessaire. L'exploitant d'aérodrome pourrait ainsi transférer ces tâches à un prestataire extérieur et se contenter de s'assurer qu'il les a bien accomplies auprès de l'autorité compétente tout en restant responsable. Ainsi, s'agissant du (ii) relatif aux OLS, il serait possible de recourir à un prestataire de service de service de navigation aérienne, autre qu'un sous-traitant, qui ferait la démonstration.</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>
comment	<p>1010 comment by: <i>Avinor</i></p> <p>ADR.OR.B.025 (a)(3). Delete. There is no need to declare compliance on a form- it is enough to comply. The form is not needed.</p>
response	<p><i>Not accepted</i></p>

Similar declaration requirements exist also in EU Regulation 1702/2003, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.

comment **1026** comment by: *Dublin Airport Authority*

It is possible some of these actions / tasks will be carried out by third parties so the Implementing Rules should not define that the operator has to perform these tasks rather that they ensure they are carried out.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment **1071** comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.B.025 (a) (1)	Delete "perform and document" and replace with "ensure that"	It is possible some of these may be done by third parties so the IR does not need to define that the operator has to perform these tasks themselves.
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response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment **1072** comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.B.025 (a)(3)	delete	There is no need to declare compliance on a form- it is enough to comply. The form is not needed.
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response *Not accepted*

Similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.

comment **1086** comment by: *NATS National Air Traffic Services Limited*

ADR.OR.B.025(b) - it is not clear what is meant by the use of the word "disposal". The dictionary definition could mean destruction, however it is believed that the records are to be available to the CA.

response

Noted

The meaning of this requirement is that the relevant records have to be made available to the competent authority whenever the latter so requires.

comment

1127

comment by: ADP : Aeroports de Paris

Référence: ADR.OR.B.025 (a) (1)

"perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:"

Proposition/commentaire

Il convient d'apporter la modification suivante: "~~perform and document~~ **ensure that** all actions, inspections, tests, safety assessments or exercises necessary, ~~and shall demonstrate to the competent authority~~ **are performed and documented** to the competent authority:"

Justification

Cette modification supprime une charge qui incomberait à l'opérateur et l'autorise à ne plus faire et documenter lui-même toute action, inspection, test, évaluation de sécurité ou exercice nécessaire.

L'exploitant d'aérodrome pourrait ainsi transférer ces tâches à un prestataire extérieur et se contenter de s'assurer qu'il les a bien accomplies auprès de l'autorité compétente tout en restant responsable.

Ainsi, s'agissant du (ii) relatif aux OLS, il serait possible de recourir à un prestataire de service de service de navigation aérienne, autre qu'un sous-traitant, qui ferait la démonstration.

Traduction de courtoisie

We propose the following amendment: "~~perform and document~~ **ensure that** all actions, inspections, tests, safety assessments or exercises necessary, ~~and shall demonstrate to the competent authority~~ **are performed and documented** to the competent authority:"

This amendment removes a burden that would fall on the operator and allows him/her not to do and document him/herself any action, inspection, test, safety assessment or exercise necessary.

The aerodrome operator could then transfer these responsibilities to an external service and simply make sure that this service has performed them with the competent authority while retaining responsibility.

Thus, with regard to (ii) relating to the OLS, it would be possible to use a service provider of air navigation services, other than a subcontractor, which would demonstrate.

response

Partially accepted

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements

contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment	<p><i>1336</i> comment by: <i>Gatwick Airport Ltd</i></p> <p>(a) (1)</p> <p>Delete "perform and document" and replace with "ensure that"</p> <p>Justification</p> <p>It is possible some of these may be done by third parties so the IR does not need to define that the operator has to perform these</p> <p>(a)(3)</p> <p>delete</p> <p>Justification</p> <p>There is no need to declare compliance on a form- it is enough to comply. The form is not needed.</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has developed an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p> <p>With the regard to the required declaration, similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.</p>
comment	<p><i>1343</i> comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>ADR.OR.B.025 (a) (1) - Compliance: replace "perform" with "ensure that ... is performed". Justification: It should be possible to delegate certain tasks to third parties.</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>

comment	<p>1412 comment by: <i>Salzburger Flughafen GmbH</i></p> <p>(a)(1)(ii) What are "other surfaces"? Definition is needed</p>
response	<p><i>Accepted</i></p> <p>Apart from the obstacle limitation surfaces, there are other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions. To further clarify the issue, the Agency has amended the relevant requirement and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.</p>
comment	<p>1513 comment by: <i>Flughafen Linz-Hörsching - LNZ/LOWL</i></p> <p>(a)(1)(ii) What are "other surfaces"? definition is needed</p>
response	<p><i>Accepted</i></p> <p>Apart from the obstacle limitation surfaces, there are other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions. To further clarify the issue, the Agency has amended the relevant requirement and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.</p>
comment	<p>1582 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #168</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.B.025 (a) (1)</p> <p>Référence: ADR.OR.B.025 (a) (1) "perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:"</p> <p>Traduction de courtoisie We propose the following amendment: "perform and document ensure that all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority are performed and documented to the competent authority:"</p> <p>This amendment removes a burden that would fall on the operator and allows him/her not to do and document him/herself any action, inspection, test, safety assessment or exercise necessary. The aerodrome operator could then transfer these responsibilities to an external service and simply make sure that this service has performed them with the competent authority while retaining responsibility. Thus, with regard to (ii) relating to the OLS, it would be possible to use a service provider of air navigation services, other than a subcontractor, which would demonstrate.</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent</p>

authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 1634 comment by: *Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH*

(a)(1)(ii) What are "other surfaces"? Definition is needed

response *Accepted*

Apart from the obstacle limitation surfaces, there are other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions. To further clarify the issue, the Agency has amended the relevant requirement and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.

comment 1713 comment by: *Flughafen Graz Betriebs GmbH*

(a)(1)(ii) What are "other surfaces"? Definition is needed

response *Accepted*

Apart from the obstacle limitation surfaces, there are other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions. To further clarify the issue, the Agency has amended the relevant requirement and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.

comment 1775 comment by: *Assaeroporti - Associazione Italiana Gestori Aeroporti*

(a) (1) ASSAEROPORTI suggests to delete "perform" and replace by "ensure that all actions, inspections, [...] exercises necessary are performed and documented, and shall demonstrate to the competent authority". In fact, in case of subcontract to a third party the aerodrome operator can not perform itself.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 1796 comment by: *UK CAA*

Page No: 40 and 59-60

Paragraph No: ADR.OR.B.025(a)(3) and Appendix I to Annex II

Comment: The UK CAA does not see any need for an aerodrome operator to have to make a declaration of its compliance, and this requirement risks confusion with the declarations that may be required of providers of apron management services.

Justification: A declaration serves no practical purpose and is only relevant on the day it is signed. The Competent Authority confirms that the applicable requirements have been met and that the ADR is safe by the issue of an aerodrome certificate. There is no corresponding provision for organisations covered by the aircrew or operations OR.GEB requirements. Moreover a declaration of this kind is not a requirement of the Basic Regulation and risks confusion with declarations that may be required of providers of apron management services.

Proposed Text: Delete ADR.OR.B.025(a)(3) and Appendix I to Annex II.

response *Not accepted*

Similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant. In order to avoid confusion the Agency has modified the title of the declaration to be submitted by providers of apron management services, while both forms are now guidance material.

comment *1812* comment by: *Geneva International Airport (ROMIG)*

ADR.OR.B.025 (a) (1) - Delete "perform" and replace by "ensure that all actions, inspections.....exercises necessary are performed and documented, and shall demonstrate to the competent authority:"

In the case of an activity subcontracted to a third party the aerodrome operator cannot perform the inspections and tests... Itself but can make sur that they are performed.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment *1816* comment by: *Geneva International Airport (ROMIG)*

ADR.OR.B.025 (a) (1) (ii) What are the "other surfaces" mentioned in this article. Suggest this should be deleted as it goes beyond obstacle management. This is an unclear approach to the OLS issue and will create confusion.

response *Accepted*

Apart from the obstacle limitation surfaces, there are other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions. To further clarify the issue, the Agency has amended the relevant requirement and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.

comment 1875 comment by: *Stansted Airport*
ADR.OR.B.025 (a) (1)

Delete "perform and document" and replace with "ensure that"

It is possible some of these may be done by third parties so the IR does not need to define that the operator has to perform these tasks themselves.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 1876 comment by: *Stansted Airport*
ADR.OR.B.025 (a)(3)

delete

There is no need to declare compliance on a form- it is enough to comply. The form is not needed.

response *Not accepted*

Similar declaration requirements exist also in EU Regulation aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.

comment 1959 comment by: *Aéroport de Marseille - MRS/LFML*

We propose the following amendment: "~~perform and document~~ **ensure that** all actions, inspections, tests, safety assessments or exercises necessary, ~~and shall demonstrate to the competent authority~~ **are performed and documented** to the competent authority:"

This amendment removes a burden that would fall on the operator and allows him/her not to do and document him/herself any action, inspection, test, safety assessment or exercise necessary.

The aerodrome operator could then transfer these responsibilities to an external service and simply make sure that this service has performed them with the competent authority while retaining responsibility.

Thus, with regard to (ii) relating to the OLS, it would be possible to use a service provider of air navigation services, other than a subcontractor, which would demonstrate.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 1960 comment by: *London Luton Airport Operations Ltd*

at (a) (1) many third parties operate on aerodromes and undertake their own audits and some auditing is undertaken by specialists. The aerodrome should have a program of safety oversight but cannot be performing all actions concerned with safety audits. The aerodrome should be in a position to deliver this with a safety oversight program for those audits it does not undertake. This needs to be reflected in the wording.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 2035 comment by: *Airport Operators Association*

ADR.OR.B.025 (a) (1) Delete "perform and document" and replace with "ensure that"

Justification - It is possible some of these may be carried out by third parties so the IR does not need to define that the operator has to perform these tasks from its own resources.

ADR.OR.B.025 (a)(3) This should be deleted

Justification - There is no need to declare compliance on a form. It is sufficient to comply and as such the form is not needed.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has developed an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph

(a)(1).

With the regard to the required declaration, similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.

comment

2075

comment by: *Ministry of Infrastructure and Agriculture of Brandenburg*

There has to bet he possibility to delegate certain tasks to third parties. Therefore the wording has to be changed.

response

Partially accepted

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment

2126

comment by: *Bavarian Ministry of Economic Affairs, Infrastructure, Transport and Technology*

It should be possible to delegate some/certain tasks to third parties; it is suggested to change "**perform**" to "**ensure that [...] is performed**".

Para (a) subpara (1)(ii): What is meant by "**other surfaces**"? This seems to be well outside the scope, so deletion is suggested.

response

Partially accepted

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has developed an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

Apart from the obstacle limitation surfaces, there are other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions. To further clarify the issue, the Agency has amended the relevant requirement and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.

comment

2179

comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#169](#)

UAF NPA 2011-20 (B.I) ADR.OR.B.025 (a) (1)

Référence: ADR.OR.B.025 (a) (1)
 "perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:"

Traduction de courtoisie
 We propose the following amendment: "~~perform and document~~ ensure that all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority are performed and documented to the competent authority:"
 This amendment removes a burden that would fall on the operator and allows him/her not to do and document him/herself any action, inspection, test, safety assessment or exercise necessary. The aerodrome operator could then transfer these responsibilities to an external service and simply make sure that this service has performed them with the competent authority while retaining responsibility. Thus, with regard to (ii) relating to the OLS, it would be possible to use a service provider of air navigation services, other than a subcontractor, which would demonstrate.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment

2213

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#170](#)

ADBM - NPA 2011-20 (B.I) ADR.OR.B.025 (a) (1)

Référence: ADR.OR.B.025 (a) (1)
 "perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:"

Traduction de courtoisie
 We propose the following amendment: "~~perform and document~~ ensure that all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority are performed and documented to the competent authority:"
 This amendment removes a burden that would fall on the operator and allows him/her not to do and document him/herself any action, inspection, test, safety assessment or exercise necessary. The aerodrome operator could then transfer these responsibilities to an external service and simply make sure that this service has performed them with the competent authority while retaining responsibility. Thus, with regard to (ii) relating to the OLS, it would be possible to use a service provider of air navigation services, other than a subcontractor, which would demonstrate.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 2403 comment by: *Pau Pyrénées Airport - PUF/LFBP*

We propose the following amendment: "~~perform and document~~ **ensure that** all actions, inspections, tests, safety assessments or exercises necessary, ~~and shall demonstrate to the competent authority~~ **are performed and documented** to the competent authority:"

This amendment removes a burden that would fall on the operator and allows him/her not to do and document him/herself any action, inspection, test, safety assessment or exercise necessary.

The aerodrome operator could then transfer these responsibilities to an external service and simply make sure that this service has performed them with the competent authority while retaining responsibility.

Thus, with regard to (ii) relating to the OLS, it would be possible to use a service provider of air navigation services, other than a subcontractor, which would demonstrate.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 2414 comment by: *Dublin Airport Authority*

It is possible some of these actions / tasks will be carried out by third parties. The Implementing Rules should not define that the operator has to perform these tasks, but rather that the operator should ensure that they are carried out.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 2417 comment by: *Aéroport Paris Vatry - XCR/LFOK*

Attachment [#171](#)

NPA 2011-20 (B.I) ADR.OR.B.025 (a) (1)

Référence: ADR.OR.B.025 (a) (1)
 "perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:"

Traduction de courtoisie
 We propose the following amendment: "~~perform and document~~ **ensure** ~~that~~ all actions, inspections, tests, safety assessments or exercises necessary, ~~and shall demonstrate to the competent authority~~ **are performed and documented** to the competent authority:"
 This amendment removes a burden that would fall on the operator and allows him/her not to do and document him/herself any action, inspection, test, safety assessment or exercise necessary. The aerodrome operator could then transfer these responsibilities to an external service and simply make sure that this service has performed them with the competent authority while retaining responsibility. Thus, with regard to (ii) relating to the OLS, it would be possible to use a service provider of air navigation services, other than a subcontractor, which would demonstrate.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment

2424

comment by: *Aéroports De Lyon*

An aerodrome operator [...] shall demonstrate to the competent authority [...] that the aerodrome, as well as its defined obstacle limitation surfaces and other surfaces have no features or characteristics making it unsafe for operation

*Appendix I: The aerodrome as well as its defined obstacle limitation surfaces and other surfaces comply with the certification basis and are **safe** for use by aircraft.*

Quels sont les critères? Comment le démontre t-on?

Proposition: Ce genre de phrase doit être formulée de façon plus souple. (Ex: employer: "niveau acceptable de sécurité")

response

Accepted

The wording of the Appendix I has been amended in accordance with the text contained in paragraph (a)(1)(ii) of ADR.OR.B.025 and article 8(a) of the Basic Regulation.

comment

2437

comment by: *Turin Airport - TRN/LIMF*

(a) (1) Turin Airport suggests to delete "perform" and replace by "ensure

	that all actions, inspections, [...] exercises necessary are performed and documented, and shall demonstrate to the competent authority". In fact, in case of subcontract to a third party the aerodrome operator can not perform itself.
response	<i>Partially accepted</i> The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).
comment	2467 comment by: <i>Aéroport de Tours Val de Loire - TUF/LFOT</i> ensure that all actions, inspections, test, safety assessments or exercises necessary are performed and documents to the competent authority
response	<i>Partially accepted</i> The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).
comment	2485 comment by: <i>East Midlands Airport - EMA/EGNX</i> (a) (1) Delete "perform and document" and replace with "ensure that" Justification: It is possible some of these may be done by third parties so the IR does not need to define that the operator has to perform these tasks themselves.
response	<i>Partially accepted</i> The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).
comment	2486 comment by: <i>East Midlands Airport - EMA/EGNX</i> (a) (3) Delete There is no need to declare compliance on a form- it is enough to comply. The form at appendix I is not needed.
response	<i>Not accepted</i>

Similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.

comment 2494 comment by: *Tarbes-Lourdes-Pyrénées airport*

Attachment [#172](#)

NPA 2011-20 (B.I) ADR.OR.B.025 (a) (1)

Référence: ADR.OR.B.025 (a) (1)
 "perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:"

Traduction de courtoisie
 We propose the following amendment: "~~perform and document~~ **ensure that** all actions, inspections, tests, safety assessments or exercises necessary, ~~and shall demonstrate to the competent authority are performed and documented~~ to the competent authority:"
 This amendment removes a burden that would fall on the operator and allows him/her not to do and document him/herself any action, inspection, test, safety assessment or exercise necessary. The aerodrome operator could then transfer these responsibilities to an external service and simply make sure that this service has performed them with the competent authority while retaining responsibility. Thus, with regard to (ii) relating to the OLS, it would be possible to use a service provider of air navigation services, other than a subcontractor, which would demonstrate.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 2526 comment by: *Shannon Airport*

It is possible some of these actions / tasks will be carried out by third parties so the Implementing Rules should not define that the operator has to perform these tasks rather that they ensure they are carried out.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment	<p>2618 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 40</p> <p>Paragraph No: ADR.OR.B.025 (a) (1)</p> <p>Comment: It is possible some of these may be done by third parties so the IR does not need to define that the operator has to perform these tasks themselves. Delete "perform and document" and replace with "ensure that"</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>
comment	<p>2619 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 40</p> <p>Paragraph No: ADR.OR.B.025 (a) (3)</p> <p>Comment There is no need to declare compliance on a form- it is enough to comply. The form is not needed</p>
response	<p><i>Not accepted</i></p> <p>Similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.</p>
comment	<p>2668 comment by: <i>HIA - Highlands and Islands Airports Limited</i></p> <p>B.015 (b) (7) - Inclusion of qualifications and experience – too much detail and not considered to be required. Competence more relevant than qualifications</p> <p>B.025 (a) (1) - Replace <i>Perform and document all actions...</i> with <i>ensure that all actions...</i> as some these actions could be carried out by a third party</p> <p>B.025 (a) (3) - Delete this and the form as no need to declare compliance. These could be included in the aerodrome manual</p>
response	<p><i>Partially accepted</i></p> <p>With regard to the provisions of AR.OR.B.015 (b) (7), the Agency has amended the text as suggested.</p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other</p>

hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has developed an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

With regard to the comment on the required declaration, similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.

comment 2704 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.B.025 (a) (1)	Delete "perform and document" and replace with "ensure that"	It is possible some of these may be done by third parties so the IR does not need to define that the operator has to perform these tasks themselves.
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response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 2705 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.B.025 (a)(3)	delete	There is no need to declare compliance on a form- it is enough to comply. The form is not needed.
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response *Not accepted*

Similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.

comment 2736 comment by: *Aberdeen Airport Airside Operations*

(a) (1) - Delete "perform and document" and replace with "ensure that"

It is possible some of these may be done by third parties so the IR does not need to define that the operator has to perform these tasks themselves

(a) (3) - delete

There is no need to declare complaine on a form - it is enough to comply. The form is not needed.

response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has developed an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p> <p>With regard to the required declaration, similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.</p>
comment	<p>2820 comment by: <i>Flughafen Klagenfurt</i></p> <p>(a)(1)(ii) What are "other surfaces"? Definition is needed</p>
response	<p><i>Accepted</i></p> <p>Apart from the obstacle limitation surfaces, there are other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions. To further clarify the issue, the Agency has amended the relevant requirement and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.</p>
comment	<p>2877 comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i></p> <p>ADR.OR.B.025 (a)(1). Delete "perform" and replace by "ensure that all actions, inspections.....exercises necessary are performed and documented, and shall demonstrate to the competent authority:"</p> <p>In case of subcontracted to a third party, then the aerodrome operator can not perform itself.</p> <p>ADR.OR.B.025 (a)(3). Delete. There is no need to declare compliance on a form- it is enough to comply. The form is not needed.</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has developed an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p> <p>With regard to the required declaration, similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.</p>

comment

2936

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.OR.B.025 (a) (1)	"perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:"
Proposition/commentaire	Il convient d'apporter la modification suivante: " perform and document ensure that all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority are performed and documented to the competent authority:"
Justification	Cette modification supprime une charge qui incomberait à l'opérateur et l'autorise à ne plus faire et documenter lui-même toute action, inspection, test, évaluation de sécurité ou exercice nécessaire. L'exploitant d'aérodrome pourrait ainsi transférer ces tâches à un prestataire extérieur et se contenter de s'assurer qu'il les a bien accomplies auprès de l'autorité compétente tout en restant responsable. Ainsi, s'agissant du (ii) relatif aux OLS, il serait possible de recourir à un prestataire de service de service de navigation aérienne, autre qu'un sous-traitant, qui ferait la démonstration.
Traduction de courtoisie	We propose the following amendment: " perform and document ensure that all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority are performed and documented to the competent authority:" This amendment removes a burden that would fall on the operator and allows him/her not to do and document him/herself any action, inspection, test, safety assessment or exercise necessary. The aerodrome operator could then transfer these responsibilities to an external service and simply make sure that this service has performed them with the competent authority while retaining responsibility. Thus, with regard to (ii) relating to the OLS, it would be possible to use a service provider of air navigation services, other than a subcontractor, which would

	demonstrate.
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>
comment	<p>2986 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.B.025 (a) (1)</p> <p>Delete "perform and document" and replace with "ensure that</p> <p>It is possible some of these may be done by third parties so the IR does not need to define that the operator has to perform these tasks themselves.</p>
response	<p><i>Partially accepted</i></p> <p>The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).</p>
comment	<p>2987 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.B.025 (a)(3)</p> <p>delete</p> <p>There is no need to declare compliance on a form- it is enough to comply. The form is not needed.</p>
response	<p><i>Not accepted</i></p> <p>Similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.</p>
comment	<p>3032 comment by: <i>DAA Cork Airport</i></p> <p>It is possible some of these actions / tasks will be carried out by third parties so the Implementing Rules should not define that the operator has to perform these tasks rather that they ensure they are carried out.</p>
response	<p><i>Partially accepted</i></p>

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 3085 comment by: *BMVBS - Federal Ministry of Transport, Building and Urban Development*

It should be possible to delegate some/certain tasks to third parties; it is suggested to change "**perform**" to "**ensure that [...] is performed**".
Para (a) subpara (1)(ii): What is meant by "**other surfaces**"? This seems to be well outside the scope, so deletion is suggested.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

Apart from the obstacle limitation surfaces, there are other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions. To further clarify the issue, the Agency has amended the relevant requirement and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.

comment 3138 comment by: *Isavia*

ADR.OR.B.025 (a) (1). Delete "perform" and replace by "ensure that all actions, inspections.....exercises necessary are performed, documented and shall demonstrate to the competent authority:"

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 3140 comment by: *Isavia*

In case of subcontracted to a third party, then the aerodrome operator cannot perform itself.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment	3141	comment by: <i>Isavia</i>
	ADR.OR.B.025 (a)(3). Delete. There is no need to declare compliance on a form- it is enough to comply. The form is not needed.	
response	<i>Not accepted</i>	
	Similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.	
comment	3147	comment by: <i>Isavia</i>
	ADR.OR.B.025 (a) (1). Delete "perform" and replace by "ensure that all actions, inspections.....exercises necessary are performed and documented, and shall demonstrate to the competent authority:"	
	In case of subcontracted to a third party, then the aerodrome operator cannot perform itself.	
response	<i>Partially accepted</i>	
	The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).	
comment	3148	comment by: <i>Isavia</i>
	ADR.OR.B.025 (a)(3). Delete. There is no need to declare compliance on a form- it is enough to comply. The form is not needed.	
response	<i>Not accepted</i>	
	Similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.	
comment	3182	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	replace "perform" with "Ensure that ... are performed"	
response	<i>Partially accepted</i>	
	The aerodrome operator must demonstrate compliance to the competent	

authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment 3184 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
"other surfaces" is confusing and goes beyond obstacle management.

response *Accepted*
Apart from the obstacle limitation surfaces, there are other surfaces and areas which are associated with an aerodrome, contained in Annex 14 and other ICAO provisions. To further clarify the issue, the Agency has amended the relevant requirement and provided relevant guidance material on this issue in Part ADR.OPS and the relevant provisions of the cover Regulation.

comment 3246 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#173](#)

SEARD NPA 2011-20 (B.I) ADR.OR.B.025 (a) (1)

Référence: ADR.OR.B.025 (a) (1)
"perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:"

Traduction de courtoisie
We propose the following amendment: "~~perform and document~~ ensure that all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority are performed and documented to the competent authority:"
This amendment removes a burden that would fall on the operator and allows him/her not to do and document him/herself any action, inspection, test, safety assessment or exercise necessary. The aerodrome operator could then transfer these responsibilities to an external service and simply make sure that this service has performed them with the competent authority while retaining responsibility. Thus, with regard to (ii) relating to the OLS, it would be possible to use a service provider of air navigation services, other than a subcontractor, which would demonstrate.

response *Partially accepted*
The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an

acceptable way for complying with the requirement of paragraph (a) (1).

comment 3257 comment by: *London Biggin Hill Airport*

ADR.OR.B.025
 (a)(1) Delete "perform and document" and replace with "ensure that" It is possible some of these may be done by third parties so the IR does not need to define that the operator has to perform these tasks themselves.
 (a)(3) Delete There is no need to declare compliance on a form- it is enough to comply. The form is not needed.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has developed an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

With regard to the required declaration, similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.

comment 3470 comment by: *Fraport AG*

ADR.OR.B.025 –Compliance (a) (1)

Editorial

perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:

Proposed Text
ensure that all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:

Fraport AG:
 It is possible some of the mentioned Items may be done by third parties (subcontractors) so in this cases the aerodrome operator can only ensure but not perform by himself.

response *Partially accepted*

The aerodrome operator must demonstrate compliance to the competent authority as foreseen in article 8(a) of the Basic Regulation. On the other hand, the aerodrome operator can indeed perform the necessary actions using third parties. This is foreseen also in the essential requirements contained in Annex Va of the Basic Regulation. The Agency has added an AMC to make evident that the use of third parties is considered to be an acceptable way for complying with the requirement of paragraph (a) (1).

comment	<p>3471 comment by: <i>Fraport AG</i></p> <p>ADR.OR.B.025 – Compliance (a) (3)</p> <p>Editorial</p> <p>declare to the competent authority its compliance with (a)(1), in accordance with the form established in Appendix I to this Part.</p> <p>DELETE</p> <p>Fraport AG: There is no need to declare compliance on a form given by the regulatory framework - it is enough to provide a compliance document which has to be agreed by the competent authority.</p>
response	<p><i>Not accepted</i></p> <p>Similar declaration requirements exist also in aircraft certification rules, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.</p>

ANNEX II - Part-OR - ADR.OR.B.030 – Terms of approval and privileges of the certificate holder	p. 41
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comment	<p>1337 comment by: <i>Gatwick Airport Ltd</i></p> <p>Delete terms of approval</p> <p>Justification</p> <p>Not required as compliance with the terms of aerodrome certificate will be documented within the approved aerodrome manual</p>
response	<p><i>Not accepted</i></p> <p>Article 8(a) of the Basic regulation foresees that "<i>The privileges granted to the certified organisation and the scope of the certificate, including a list of aerodromes to be operated, shall be specified in the certificate</i>". Of course, similar information is to be included in the aerodrome manual. The Agency has amended the relevant requirement, and now the term used is "terms of the certificate".</p>

ANNEX II - Part-OR - ADR.OR.B.035 – Continued validity	p. 41
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comment	<p>118 comment by: <i>Flughafen Düsseldorf GmbH</i></p> <p>ADR.OR.B.035 – Continued validity <i>REV</i></p> <p>(a) A certificate shall remain valid subject to:</p>
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(1) (1) the aerodrome operator remaining in compliance with the relevant requirements of Regulation (EC) No 216/2008, and its Implementing Rules, and the aerodrome remaining in compliance with the certification basis, taking into account the provisions related to the handling of findings as specified under ADR.OR.C.020;

(2) (2) the competent authority being granted access to the aerodrome operator's organisation as defined in ADR.OR.C.015 to determine continued compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules; and [g1]

[g1]Die Wirksamkeit des Zertifikats von den Zugangsmöglichkeiten zu machen, erscheint nicht sachgemäß! Dies sollte nur eine Ultima Ratio sein!

response *Noted*

Giving access the competent authority to determine compliance with the requirements is an essential condition for maintaining the validity of a certificate. If such access is not given, the competent authority is not in a position to determine continued compliance of the certificate holder with the requirements.

comment *1089* comment by: *NATS National Air Traffic Services Limited*

ADR.OR.B.035(a)(1) - Should apron management services also be included as ADR.OR.C.020 refers to apron management services?

response *Accepted*

The requirements have been amended accordingly, to address the case of providers of apron management services.

comment *2017* comment by: *ENAC Ente Nazionale per l'Aviazione Civile*

Modify point (3) as follows: (3) the certificate not being surrendered, suspended or revoked.

response *Noted*

The suspension of a certificate, in whole or in part, does not have the same legal consequences as its revocation or surrender. In the former case, the certificate is still valid but the associated privileges cannot be exercised (in whole or in part).

ANNEX II - Part-OR - ADR.OR.B.040 – Changes

p. 41-42

comment *13* comment by: *airsight GmbH*

ADR.OR.B.040 (c)
There should be a defined and approved procedure for changes not requiring approval and not requiring notification as well. Otherwise everything will need to be reported from the aerodrome operator to the competent authority.
This additionally effects: ADR.AR.C.035 (g) and ADR.AR.C.040 (f)

response *Noted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment 34 comment by: *ACI EUROPE - Airports Council International*
delete "notified"

Justification: not necessary to notify all changes - rest is described in the procedure

response *Noted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment 35 comment by: *ACI EUROPE - Airports Council International*
Change reference to "ADR.AR.C.040 (a)"

Justification: Consistency with the comment on this paragraph mentioned before

response *Noted*

The Agency understands that the comment refers to the content of paragraph (c) which refers to the procedure approved by the competent authority in accordance with ADR.AR.C.035(g). On this basis, such an amendment would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.

comment 168 comment by: *CAA-NL*
In (a) (2) please add (b) (2) to the referred numbers as this is also applicable.

response *Accepted*

The relevant requirement has been amended as suggested.

comment 217 comment by: *SWISS AERODROMES ASSOCIATION*
at letter c), we suggest to delete "and notify to the competent authority" in order to reduce unnecessary burden.

response *Noted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety

related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment	<p>299 comment by: <i>BAA Airside operations</i></p> <p>(a) (2) Delete (b) (6) and (b) (7). This is too detailed for an IR and should be moved to AMC.</p> <p>(c) Delete "and notified to the competent authority" There should be no need to notify the competent authority, if this can be agreed in the procedure.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority</p>
comment	<p>351 comment by: <i>Danish Transport Authority</i></p> <p>It should be "significant" changes instead of "any".</p>
response	<p><i>Accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes, in terms of safety significance. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p>
comment	<p>352 comment by: <i>Danish Transport Authority</i></p> <p>The notification of all changes not requiring prior approval will not be an effective way of using the resources. How to inspect the changes can be agreed on through the procedure.</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for</p>

an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment 398 comment by: *Edinburgh Airport*

ADR.OR.B.040 (a) (2) Delete - (b) (6) and (b) (7)
Justification - This is too detailed for an IR and should be moved to AMC.

response *Partially accepted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment 399 comment by: *Edinburgh Airport*

ADR.OR.B.040 (c) - Delete " and notified to the competent authority"
Justification - There should be no need to noitfy the competent authority, if this can be agreed in the procedure.

response *Noted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment 462 comment by: *Avinor*

ADR.OR.B.040 c). Delete "notified". Not necessary to notify all changes - the rest is described in the procedure.

ADR.OR.B.040 c). Change reference to "ADR.AR.C.040 (a)". Consistency with the comment on this paragraph in the sentence over.

response *Noted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.

comment 512 comment by: *Icelandic Civil Aviation Administration*
 ADR.OR.B.040 (a)(1) - There is a need to define "terms of approval" further, to add certain items to the terms: lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval. (see comment on App I and II to ADR.AR. above)

response *Accepted*
 The Agency has reviewed the relevant requirements and has included the proposed elements within the items whose change requires a prior approval. Moreover, the term "terms of approval" has been replaced by the term "terms of the certificate", while its content has been defined.

comment 581 comment by: *Belfast International Airport - BFS/EGAA*
 This is too detailed for an Ir and should be moved to AMC (b) (6) and (b) (7)

response *Partially accepted*
 The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.
 Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment 623 comment by: *Flughafen Düsseldorf GmbH*
 Das geht in dieser Formulierung sehr weit. Jede Änderung an Prozessen sollte wegen des Aufwandes nicht gemeldet werden müssen. Es sollten nur grundlegende Änderungen überprüfungswürdig sein.

response *Partially accepted*
 The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes, in terms of safety significance. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment	<p>654 comment by: <i>Exeter International Airport</i></p> <p>ADR.OR.B.040 (a) (2) : Delete (b) (6) and (b) (7). This is too detailed for an IR and should be moved to AMC.</p>						
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.</p>						
comment	<p>655 comment by: <i>Exeter International Airport</i></p> <p>ADR.OR.B.040 (c) : Delete "and notified to the competent authority". There should be no need to notify the competent authority, if this can be agreed in the procedure.</p>						
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p>						
comment	<p>843 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #174</p> <table border="0" style="width: 100%;"> <tr> <td style="width: 10%;">UAF</td> <td style="width: 15%;">NPA</td> <td style="width: 15%;">2011-20</td> <td style="width: 15%;">(B.I)</td> <td style="width: 15%;">ADR.OR.B.040</td> <td style="width: 10%;">(c)</td> </tr> </table> <p>Référence: ADR.OR.B.040 (c)</p> <p>"All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g)."</p> <p>Traduction de courtoisie</p> <p>Should be amended as follows: "All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g) ADR.AR.C.040(a)."</p> <p>The provisions of the text will lead to major cumbersome system. We think of the updating of the aerodrome manual which would represent a significant burden on a daily basis for the operator if he/she had to notify any amendment to the competent authority.</p>	UAF	NPA	2011-20	(B.I)	ADR.OR.B.040	(c)
UAF	NPA	2011-20	(B.I)	ADR.OR.B.040	(c)		
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process</p>						

to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.

comment

968

comment by: *MST / STR - Stuttgart Airport*

Allgemeine Bemerkung:

Der Part OR samt seiner dazugehörigen AMC enthält sehr viele - ganz neue (!) - Anforderungen, die die Organisation des Flughafenbetreibers betreffen. Die Regelungstiefe ist an manchen Stellen völlig überzogen. Vor allem kleinere Standorte / Flughäfen wird dies überfordern, da auf jeden Fall der Aufbau zusätzlicher Ressourcen erforderlich würde. Das ist unverhältnismäßig.

Im Einzelnen:

- Alle beabsichtigten Änderungen müssen der Behörde angezeigt und durch die zuständige Behörde genehmigt werden.
- Hier ist unklar, welche Änderungen genau gemeint sind. Das geht nach der bisherigen Formulierung viel zu weit („proposing a change to the aerodrome, its operation, its organisation or its management system, shall....“)
- Welcher Gestaltungsspielraum besteht hier tatsächlich noch? Es kann nicht sein, dass JEDE (noch so kleine) Änderung gemeldet werden muss.

response

Partially accepted

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes, in terms of safety significance. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment

1028

comment by: *Dublin Airport Authority*

Ref (c)

There should be no need to notify the competent authority whereby this is agreed within the specified procedure.

response

Noted

The Agency has reviewed the relevant requirements regarding the process

to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment 1075 comment by: Bristol Airport - BRS/EGGD

ADR.OR.B.040 (a) (2)	Delete (b) (6) and (b) (7)	This is too detailed for an IR and should be moved to AMC.
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response Partially accepted

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment 1076 comment by: Bristol Airport - BRS/EGGD

ADR.OR.B.040 (c)	Delete "and notified to the competent authority"	There should be no need to notify the competent authority, if this can be agreed in the procedure.
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response Noted

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment 1087 ❖ comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX II – Part-OR – ADR.OR.B.040 – Changes (p41-42)
- Annex I – Part AR – ADR-AR.C.040 (a) – Changes (p26)
- AMC/GM to ANNEX II – Part-OR – GM1-ADR.OR.D.005 (b)(4) – Management - safety assessment for risk management (p74-87)
- AMC/GM to ANNEX II – Part-OPS – AMC2-ADR-OPS-B.070 – Runway pavement overlays (p163)
- AMC/GM to ANNEX II – Part-OPS – AMC3-ADR-OPS.B.070 – Marking and lighting of Unserviceable areas (p163)
- AMC/GM to ANNEX II – Part-OPS – AMC-ADR-OPS.B.080 – Marking and lighting of vehicles and other mobile objects (p173)
- AMC/GM to ANNEX II – Part-OPS – AMC-ADR-OPS.C.015 – Visual

Aids and Electrical Systems (p176)

2. Justification and proposed text / comment

This comment is linked with comment 839 in book II.

Referencing to the Certification specifications in Book I and Book II is not relevant because CS are referring to essential requirements and are applicable only through the certification basis of the aerodrome which includes: the CS applicable to the given aerodrome, and ELOS and SC where appropriate.

This is already taken into account in AMC1-ADR.AR.C.035(f) – Issuance of certificate – paragraph (b) – page 29 : *"prescribed in the certification specifications included in the certification basis of the aerodrome"*

DGAC thus proposes to adopt the same writing in the following modifications for the provisions of Book I and II that refer to CS, and add the amendment of the certification basis, following a change implying new CS which are applicable, in ADR-AR.C.040 (a) :

ADR-AR.C.040 (a) – Changes

"(a) [...]"

(4) the corresponding amended certification basis , if relevant [...]"

GM1-ADR.OR.D.005 (b)(4) – Management

"SAFETY ASSESSMENT FOR RISK MANAGEMENT

...

(d) Necessity for conducting a safety assessment

(1) A safety assessment is carried out for all safety concerns, including; identified safety hazards, deviations from requirements or certification specifications or certification basis or and identified change or for any other items or circumstances where such an assessment is considered a contribution to safety assurance. A safety assessment is an everyday process at an aerodrome with a functioning management system. It may be applied in different scale depending on the safety concern to be assessed. The list below is not exhaustive but identifies some of the main reasons for a safety assessment to be applied.

..."

AMC2-ADR-OPS-B.070 - Runway pavement overlays

"The aerodrome operator should ensure that:

(a) When a runway is to be returned temporarily to an operational status before resurfacing is complete, the temporary ramp should comply with the applicable specifications included in the aerodrome certification basis of the aerodrome CSs;

(b) Before a runway being overlaid is returned to a temporary operational status, a runway centre line marking conforming to the applicable specifications included in the aerodrome certification basis of the aerodrome CSs should be provided;

(c) The location of any temporary threshold should conform to the applicable specifications included in the aerodrome certification basis of the aerodrome CSs."

AMC3-ADR-OPS.B.070 – Marking and lighting of Unserviceable areas

Note: the word "shall" is inappropriately used in this AMC and is to be

replaced by "should".
 "(a) The aerodrome operator should ensure that:
 (1) Unserviceability markers are displayed whenever any portion of a taxiway, apron or holding bay is unfit for the movement of aircraft but it is still possible for aircraft to bypass the area safely;
 (2) On a movement area used at night, unserviceability lights should be used;
 (3) Unserviceability markers and lights are placed at intervals sufficiently close so as to delineate the unserviceable area.
 (b) Unserviceability markers shall **should** consist of conspicuous upstanding devices such as flags, cones or marker boards;
 (c) Unserviceability markers and lights should meet the applicable specifications included in the aerodrome certification basis of the aerodrome CSs."

AMC-ADR-OPS.B.080 – Marking and lighting of vehicles and other mobile objects

"...
 (c) When flags are used to mark mobile objects, they should comply with the applicable specifications included in the aerodrome certification basis of the aerodrome CSs;
 ..."

AMC-ADR-OPS.C.015 – Visual Aids and Electrical Systems

Note: the word "shall" is inappropriately used in this AMC, in paragraph (a), and is to be replaced by "should".

"(a) The aerodrome operator should establish a system of corrective and preventive maintenance which ensures that a light is deemed unserviceable when the main beam average intensity is less than 50 % of the value specified in the applicable specifications included in the aerodrome certification basis of the aerodrome CSs. For light units where the designed main beam average intensity is above the specified in the applicable specifications included in the aerodrome certification basis of the aerodrome CSs, the 50 % value shall **should** be related to that design value;
 ..."

response

Noted
 The Agency cannot link this comment to the relevant requirement and therefore cannot provide an answer.

comment

1092 comment by: NATS National Air Traffic Services Limited
 ADR.OR.B.040(b) - states "changes which require prior approval according to B.R." In the B.R. is no such requirement. The B.R. does require certification of changes to the certificate. To prevent confusion, the same terms should be used. It is not clear what applies to which certificate.

response

Noted
 The Basic Regulation defines the term "certificate " as "any approval, licence or other document issued as the result of certification". Article 8a paragraph 2 (a) of the Basic Regulation requires a prior approval since it refers to "... certification of changes to that certificate".

comment

1101 ❖

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.A.015 (d) — Means of compliance (p16-17)
- ANNEX I - Part-AR - ADR.AR.B.005 (d) — Management system (p20)
- ANNEX I - Part-AR - ADR.AR.C.040(f) – Changes (26-27)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.B.005(d) — Management system (p13-14)
- AMC/GM to ANNEX I — Part-AR — AMC1 -ADR.AR.C.040(f) — Changes (p31-32)
- AMC/GM to ANNEX I — Part-AR — AMC3 -ADR.AR.C.040(a);(f) — Changes (p32-33)
- AMC/GM to ANNEX I — Part-AR - GM1-ADR.AR.C.035(a)(3) - Changes (p28)
- AMC/GM to ANNEX I — Part-AR - GM1-ADR.AR.C.040(c) - Changes (p33)
- ANNEX II - Part-OR – ADR-OR.B.040(a) – Changes (p41-42)
- AMC/GM to ANNEX II — Part-OR — AMC1-ADR.OR.B.040(a) — Changes (p60-61)

This comment is linked to comment 855 of book II (AMC/GM).

2. General comment

These paragraphs lead to many formal exchanges that are not always relevant and that considerably increase the administrative burden of:

- both the EASA and the competent authority for ADR.AR.A.015 (d), ADR.AR.B.005 (d) and the corresponding acceptable means of compliance and
- both the aerodrome operator and the competent authority for ADR.AR.C.040(f) and the corresponding acceptable means of compliance.

3. Justification and proposed text / comment

- Paragraph (d) of ADR.AR.A.015

Minor alternative AMC to the ones proposed by EASA may be accepted, due to local special constraints. In order to avoid administrative burden both for the EASA and the competent authority, it is proposed to only notify the "significant" alternative AMC, i.e. the ones which differs notably from the EASA's ones and the ones that will be applied on a national scale. Paragraph (d) of ADR.AR.A.015 requires notification of these alternatives AMC to all other Member States which amplifies considerably the aforementioned administrative burden, in particular for AMC that may not be usable or relevant for other aerodromes.

Paragraph (d) of ADR.AR.A.015 also implies that alternative AMC that could be possibly rejected by EASA will be notified to other Member States, without them knowing of the acceptability the alternative AMC. It is proposed to delete this requirement and let EASA informs all the Member States (for example, through a website) of the AMC that are deemed acceptable.

In order to limit the administrative burden to the most pertinent, DGAC

proposes the following modifications of ADR.AR.A.015:

ADR.AR.A.015 – Means of compliance

" [...]

(d) [...] When the competent authority finds that the alternative means of compliance proposed by the aerodrome operator or the provider of apron management services are in accordance with the Implementing Rules, it shall without undue delay:

(1) notify the applicant that the alternative means of compliance may be implemented and, if applicable, amend the approval or certificate of the applicant accordingly;

(2) notify the Agency of their content of the significant ones, including copies of the relevant documentation;

~~(3) inform other Member States about alternative means of compliance that were accepted.~~

(e) [...] The competent authority shall provide the Agency with a full description of the significant alternative means of compliance, including any revisions to procedures that may be relevant, as well as an assessment demonstrating that the Implementing Rules are met. "

- Paragraph (d) of ADR.AR.B.005 and AMC1-ADR.AR.B.005 (d)

The adaptation of the procedures of the competent authority is a living and ongoing processes. In order to avoid administrative burden both for the competent authority and the EASA, DGAC proposes to only notify the most significant amendments of the procedures.

ADR.AR.B.005 – Management system

" [...]

(d) A copy of the procedures related to the management system and their significant amendments shall be made available to the Agency for the purpose of standardisation."

AMC1-ADR.AR.B.005 (d) – Management system

"PROCEDURES AVAILABLE TO THE AGENCY

(a) Copies of the procedures in the competent authority's management system should be made available to the Agency for the purpose of standardisation. These should include any significant amendments to the procedures. The procedures should provide at least the following information:

[...]"

- Paragraph (f) of ADR.AR.C.040 and AMC1-ADR.AR.C.040(f)

The tasks allocated to the competent authority for "changes not requiring prior approval" are as high as for those requiring prior approval which is not pertinent.

Considering the numerous changes notified to the competent authority, this would lead to high workload incompatible with available resources.

Furthermore, since every change would be thoroughly examined by the competent authority and providing no comment would be considered as implied approval, this would remove responsibility for the change from the aerodrome operator to the competent authority.

This is a **critical** point for DGAC that proposes the following changes to deal with it:

ADR.AR.C.040 – Changes

"[...] (f) For changes not requiring prior approval, the competent authority shall assess the information provided in the notification sent by the aerodrome operator in accordance with ADR.OR.B.040 to verify compliance with the Certification Specifications ~~basis issued by the Agency and the applicable requirements, as appropriate.~~ In case of any non-compliance, the competent authority shall:

(1) notify the aerodrome operator about the non-compliance and request further changes; and

(2) in case of level 1 or level 2 findings, act in accordance with Article ADR.AR.C.055.

"[...]"

AMC1 -ADR.AR.C.040(f) – Changes – page 31

"CHANGES NOT REQUIRING PRIOR APPROVAL

(a) Upon receiving a notification of a change that does not require a prior approval, the competent authority should:

(1) assess the change ~~in relation to~~ *is compliant with* the certification basis and the applicable requirements of Part ADR.OR, Part ADR.OPS, as well as any other applicable requirements;

(2) ~~assess if the aerodrome operator has identified all the certification specifications, applicable requirements of Part ADR.OR, Part ADR.OPS, or other applicable requirements which are related to or affected by the change, as well as any cases related to demonstration of an equivalent level of safety;~~

(3) ~~assess the actions proposed by the aerodrome operator in order to show compliance with (1) and (2) above;~~

(4) ~~review and assess the content of the changes to the aerodrome manual; and;~~

(5) evaluate *check that* the safety assessment that has been submitted by the aerodrome operator, in accordance with AMC1 ADR.AR.C.035(b) and verify its compliance with ADR.OR.B.065 coordinated with third parties, and that it properly identifies risks and mitigation means.

"[...]"

- AMC3 -ADR.AR.C.040(a);(f) – Changes (p32-33) and GM1-ADR.AR.C.035(a)(3) – Changes (p28)

In paragraph (a), the changes in nominated persons should not be transmitted to the competent authority as they are not significant safety related matter. The competency of nominated persons should be assessed by the aerodrome operator within its SMS, and the authority will oversee the SMS functioning is adequate, but not assess directly the competency of aerodrome operator staff. The word "qualification" should be avoided (see comment n°869 on qualifications). It is consequently proposed to delete this paragraph.

In paragraph (c): only significant amendments of the management system documentation should be notified to the competent authority.

It is consequently proposed to modify AMC3 -ADR.AR.C.040(a);(f) – Changes as follows :

AMC3 -ADR.AR.C.040(a);(f) – Changes (p32-33)

GENERAL

~~(a) Changes in nominated persons: The competent authority should be informed of any changes to personnel specified in Part ADR.OR that may~~

~~affect the certificate or the terms of approval attached to it. When an aerodrome operator submits the name of a nominee for the nominated persons mentioned in ADR.OR.D.015, the competent authority should assess his/her qualifications and may interview the nominee or call for additional evidence of his/her suitability before deciding upon his/her acceptability (see GM1-ADR.AR.C.035(a)(3)).~~

~~(b) A documented systematic approach should be used for maintaining the information on when an amendment was received by the competent authority and when it was approved.~~

~~(c) The competent authority should receive from the aerodrome operator each **significant** management system documentation amendment, including amendments that do not require prior approval by the competent authority. Where the amendment requires the competent authority's approval, the competent authority, when satisfied, should indicate its approval in writing. Where the amendment does not require prior approval, the competent authority should acknowledge receipt in writing within the time limits existing under the relevant national legislation.~~

~~[...]"~~

~~and delete GM1-ADR.AR.C.035(a)(3) – Changes~~

GM1-ADR.AR.C.040(c)

It is agreed that any changes to the terms of approval of the certificate should be prior approved by the competent authority. However, this does not systematically lead to the formal change of the certificate itself : for a temporary change the formal process of modifying the certificate might take longer than the changes itself.

It is proposed to modify GM1-ADR.AR.C.040(c) : change "~~irrespective of their magnitude~~" by "**where appropriate**"

- Paragraph (a) of ADR.OR.B.040 and AMC1-ADR.OR.B.040(a)

Paragraph (a)(3) of ADR.OR.B.040 is not clear on which entity (the competent authority or the aerodrome operator) decides whether a change needs to be approved by the competent authority or not. DGAC proposes modify it to indicate more explicitly that these changes are those that the competent authority finds necessary to be approved:

ADR.OR.B.040 – Changes

~~"(a) Any **significant** change affecting:~~

~~(1) the terms of approval of the certificate; or~~

~~(2) any of the elements of the operator's management system as required in ADR.OR.D.005 (b)(1), (b)(3), (b)(4), (b)(6) and (b)(7); or~~

~~(3) any additional elements notified to the competent authority in accordance with paragraph (c) but **found necessary to be approved by the competent authority** found necessary by the competent authority to be **approved,**~~

~~shall require prior approval by the competent authority.~~

~~[...]"~~

Paragraph (b) of AMC1-ADR.OR.B.040(a) gives too much details while flexibility is needed and the changes requiring prior approval by the competent authority are already defined in accordance with paragraph (a)

and (c) of ADR.OR.B.040. It is essential to delete this paragraph to prevent from useless increased administrative burden between the aerodrome operator and the competent authority.

AMC1-ADR.OR.B.040(a) – Changes

~~"CHANGES REQUIRING PRIOR APPROVAL~~

~~[...]~~

~~(b) Examples of such changes include, but are not limited to, the following:~~

~~(1) changes to the physical characteristics of a runway; such as:~~

~~(i) new runway(s): a development resulting in the construction of a 'new' runway (e.g. new construction, or the change of an existing grass surface to a paved surface);~~

~~(ii) runway extension or shortening resulting in an amendment to declared distances;~~

~~(iii) threshold relocation (Instrument Status): a development involving relocation of the instrument runway threshold, or relocation of a non-instrument runway threshold in preparation for instrument status;~~

~~(iv) changes to runway designation.~~

~~(2) changes of the aerodrome visual aids or other changes to the aerodrome, when such changes are associated with a change (upgrade or downgrade) of the intended operations (e.g. to accommodate low visibility operations and/or night operations);~~

~~(3) changes in the aerodrome operating minima;~~

~~(4) change that affects the obstacle limitation surfaces associated with approved type of approaches;~~

~~(5) change in the level of the rescue and fire fighting services;~~

~~(6) changes in the organisational structure of the organisation, including responsibilities, and accountabilities;~~

~~(7) changes related to fuel provision."~~

response *Partially accepted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes, including this particular requirement, in order to improve readability.

comment 1129 comment by: *Swedish Regional Airport Association*

Small changes to the processes to identify hazards, safety risks etc. should not require approval by the authority. A regulation that demand to much approval from authority can lead to less

response *Partially accepted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, the elements the comment refers to are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment	<p data-bbox="367 203 1412 235">1132 comment by: ADP : Aeroports de Paris</p> <p data-bbox="367 257 1412 291">Référence: ADR.OR.B.040 (c)</p> <p data-bbox="367 291 1412 392">"All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g)."</p> <p data-bbox="367 414 1412 448">Proposition/commentaire</p> <p data-bbox="367 448 1412 582">Il convient de modifier de la manière suivante: "All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g) ADR.AR.C.040(a)."</p> <p data-bbox="367 604 1412 638">Justification</p> <p data-bbox="367 638 1412 705">Les dispositions du texte en l'état entraîneront une forte lourdeur du système.</p> <p data-bbox="367 705 1412 806">Nous pensons notamment à la mise à jour du manuel d'aérodrome qui représenterait une charge importante au quotidien pour l'exploitant s'il devait notifier à l'autorité compétente la moindre de ses modifications.</p> <p data-bbox="367 862 1412 896">Traduction de courtoisie</p> <p data-bbox="367 896 1412 1030">Should be amended as follows: "All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g) ADR.AR.C.040(a)."</p> <p data-bbox="367 1052 1412 1187">The provisions of the text will lead to major cumbersome system. We think of the updating of the aerodrome manual which would represent a significant burden on a daily basis for the operator if he/she had to notify any amendment to the competent authority.</p>
response	<p data-bbox="367 1344 1412 1377"><i>Noted</i></p> <p data-bbox="367 1400 1412 1601">The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p data-bbox="367 1624 1412 1736">Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.</p>
comment	<p data-bbox="367 1780 1412 1814">1270 comment by: Blackpool Airport - BLK/EGNH</p> <p data-bbox="367 1836 1412 1915">ADR.OR.B.040 (a) (2) : Delete (b) (6) and (b) (7). This is too detailed for an IR and should be moved to AMC.</p>
response	<p data-bbox="367 1926 1412 1960"><i>Partially accepted</i></p>

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment	<p>1271 comment by: <i>Blackpool Airport - BLK/EGNH</i></p> <p>ADR.OR.B.040 (c) : Delete "and notified to the competent authority". There should be no need to notify the competent authority, if this can be agreed in the procedure</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p>
comment	<p>1294 comment by: <i>Munich Airport International</i></p> <p><u>(c)</u></p> <p>delete "notified"</p> <p>Justification: not necessary to notify all changes - rest is described in the procedure</p> <p>Change reference to "ADR.AR.C.040 (a)"</p> <p>Justification: Consistency with the comment on this paragraph</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.</p>
comment	<p>1295 comment by: <i>Munich Airport International</i></p> <p><u>(c)</u></p>

	<p>delete "notified"</p> <p>Justification: not necessary to notify all changes - rest is described in the procedure</p> <p>Change reference to "ADR.AR.C.040 (a)"</p> <p>Justification: Consistency with the comment on this paragraph</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.</p>
comment	<p>1318 comment by: <i>Cologne/Bonn Airport</i></p> <p>(c): delete "notified"; not necessary to notify all changes - rest is described in the procedure</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p>
comment	<p>1319 comment by: <i>Cologne/Bonn Airport</i></p> <p>(C): change reference to "ADR.AC.C.040 (a)"; consistency with comment on this paragraph</p>
response	<p><i>Noted</i></p> <p>The proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.</p>
comment	<p>1338 comment by: <i>Gatwick Airport Ltd</i></p> <p>Delete (a) (1) Terms of approval certificate</p>
response	<p><i>Accepted</i></p>

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes, including the content of the "terms of approval", which now is called "terms of the certificate".

comment	<p>1344 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>ADR.OR.B.040 (a) (2) - Changes: replace "any of the" with "significant". Justification: Minor changes should not be subject to prior approval by the authority.</p> <p>ADR.OR.B.040 (d) - Changes: The elements currently mentioned under ADR.AR.C.040 (a) (1) - (3) should be part of relevant documentation submitted to the authority and therefore added to ADR.OR.B.040 (d). With the aerodrome operator being the change originator, the aerodrome operator should propose the elements mentioned under ADR.AR.C.040 (a) (1) - (3) to the authority as part of the change application. The authority then assess the application and notifies the aerodrome operator of any missing elements.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes, in terms of safety significance. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>The aerodrome operator is indeed the change initiator (see also AMC1-ADR.OR.B.040(a)); however, it is for the competent authority to evaluate the proposed change and notify the applicant accordingly.</p>
comment	<p>1345 comment by: <i>Gatwick Airport Ltd</i></p> <p>Delete (a) (1) Terms of approval certificate</p> <p>(a) (2)</p> <p>Delete (b) (6) and (b) (7)</p> <p>Justification</p> <p>This is too detailed for an IR and should be moved to AMC.</p> <p>(c)</p> <p>Delete "and notified to the competent authority"</p> <p>Justification</p> <p>There should be no need to notify the competent authority, if this can be agreed in the procedure.</p>
response	<p><i>Partially accepted</i></p>

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes, including the content of the "terms of approval", which now is called "terms of the certificate".

However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment 1411 comment by: *Belgian CAA*

The text should explicitly mention what are the "terms of approval of the certificate". It should be clear that for example infrastructural changes, changes to the CB,... also require a prior approval.

response *Accepted*

The Agency has reviewed the relevant requirements and has included the proposed elements within the items whose change requires a prior approval. Moreover, the term "terms of approval" has been replaced by the term "terms of the certificate", while its content has been defined.

comment 1583 comment by: *Euroairport Bâle-Mulhouse*

Attachment [#175](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.B.040 (c)

Référence: ADR.OR.B.040 (c)
 "All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g)."

Traduction de courtoisie
 Should be amended as follows: "All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ~~ADR.AR.C.035(g)~~ ADR.AR.C.040(a)."

The provisions of the text will lead to major cumbersome system. We think of the updating of the aerodrome manual which would represent a significant burden on a daily basis for the operator if he/she had to notify any amendment to the competent authority.

response *Noted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the

competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.

comment

1737

comment by: CAA Norway

We suggest to delete "and notified to the competent authority" in ADR.OR.B.040 (c) . There should be no need to notify the competent authority of all changes not requiring prior approval if this can be agreed in the procedure, see comment ADR.AR.C.040 (f).

response

Noted

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment

1798

comment by: UK CAA

Page No: 41**Paragraph No:** ADR.OR.B.040 (a)

Comment: Changes requiring prior approval must include those that alter the Certification Basis or the aerodrome infrastructure/physical characteristics (facilities, installations, equipment and their location within the aerodrome boundary).

Additionally, the need for the competent authority to approve the aerodrome operator's management changes undermines the operator's SMS and creates unnecessary work for both the competent authority and the operator. The only change to the management system that would require competent authority approval involves the accountable manager.

Justification: The UK CAA considers that the text as currently written allows the aerodrome to make major infrastructure changes and changes to the certification basis of the aerodrome without prior approval, or even without notifying the competent authority. This has potential safety implications, as the competent authority would no longer have oversight of changes to the physical characteristics of an aerodrome (e.g. runway extension, a new air traffic control tower) which often need very close coordination, communication and oversight in order to avoid safety hazards brought about by the changes.

It should be specified beyond doubt that the competent authority must be notified of (and approve, where necessary) changes to infrastructure and the certification basis at an aerodrome. Should changes to the aerodrome infrastructure/physical characteristics not require prior approval, and only need to be notified to the competent authority, it may result in non-compliant changes being introduced which may lead to future findings and

punitive actions by the competent authority.

Additionally, management system functions can be managed by the operator's SMS and periodically checked during the audit process so there is no need to grant prior approval of changes to the operator's SMS and management structure.

Proposed Text:

(a) Any change affecting:

(1) the terms of approval, **including the certification basis, and any other infrastructure changes as required to be approved by the competent authority;** or

(2) the accountable manager role or post holder; or

(3) any additional elements notified to the competent authority in accordance with paragraph (c) but found necessary to be approved by the competent authority,

shall require prior approval by the competent authority.

response *Partially accepted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes, and has included the proposed elements within the items whose change requires a prior approval. Moreover, the term "terms of approval" has been replaced by the term "terms of the certificate", while its content has been defined. Finally, significant changes to the elements of the management system should require prior approval by the competent authority.

comment

1801

comment by: UK CAA

Page No: 41

Paragraph No: ADR.OR.B.040

Comment: Changes. In a total system approach we look for consistency and compatibility over the provisions governing SMS, including the management of change. This is particularly difficult in this domain because aerodrome operators are often entwined with ANSPs which are currently subject to rules inherited from the SES environment. It will be important to consider how processes in these areas can best be aligned or made compatible with each other, together with those of other organisations active at aerodromes, such as air operators and ground handlers, to ensure a total system approach to oversight

Justification: Commonality and standardisation of processes.

response *Accepted*

The Agency agrees with this approach and has been coordinating the necessary actions internally.

comment

1819

comment by: Geneva International Airport (ROMIG)

ADR.OR.B.040 (c) - Delete "and notified to the competent authority". It is not necessary or possible to notify all changes. The process included in the

	aerodrome manual, as required in ADR.AR.C.035 (g) (proposed in another comment to become ADR.AR.C.040 (a)) allows for the operator to manage certain changes without notification or intervention by the competent authority.
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p>
comment	<p>1821 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>ADR.OR.B.040 (c) - Change reference to "ADR.AR.C.040 (a)" - as related to the comments made previously.</p>
response	<p><i>Noted</i></p> <p>The proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.</p>
comment	<p>1877 comment by: <i>Stansted Airport</i></p> <p>ADR.OR.B.040 (a) (2)</p> <p>Delete (b) (6) and (b) (7)</p> <p>This is too detailed for an IR and should be moved to AMC.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.</p>
comment	<p>1886 comment by: <i>Stansted Airport</i></p> <p>ADR.OR.B.040 (c)</p> <p>Delete "and notified to the competent authority"</p> <p>There should be no need to notify the competent authority, if this can be agreed in the procedure.</p>
response	<p><i>Noted</i></p>

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment

1961

comment by: *Aéroport de Marseille - MRS/LFML*

Should be amended as follows: "All changes not requiring prior approval shall be managed ~~and notified to the competent authority~~ as defined in the procedure approved by the competent authority in accordance with ~~ADR.AR.C.035(g)~~ **ADR.AR.C.040(a)**."

The provisions of the text will lead to major cumbersome system. We think of the updating of the aerodrome manual which would represent a significant burden on a daily basis for the operator if he/she had to notify any amendment to the competent authority.

response

Noted

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.

comment

2037

comment by: *Airport Operators Association*

ADR.OR.B.040 (a) (2) (b) (6) and (b) (7) should be deleted
Justification – These are too detailed for an IR and should be moved to AMC.

ADR.OR.B.040 (c) Delete "and notified to the competent authority"

Justification - There should be no need to notify the competent authority, if this can be agreed in the procedure.

response

Partially accepted

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

	<p>shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g) ADR.AR.C.040(a)."</p> <p>The provisions of the text will lead to major cumbersome system. We think of the updating of the aerodrome manual which would represent a significant burden on a daily basis for the operator if he/she had to notify any amendment to the competent authority.</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.</p>
comment	<p>2183 comment by: CAA CZ</p> <p>Comment by Karlovy Vary airport We proposed modified wording of following paragraph : „ADR.OR.B.040 – Changes (a) Any change affecting: (1) the terms of approval of the certificate; (3) any additional elements notified to the competent authority in accordance with paragraph (c) but found necessary to be approved by the competent authority shall require prior approval by the competent authority.”</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, the elements under subparagraph (a)(2) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.</p>
comment	<p>2184 comment by: CAA CZ</p> <p>Comment by Karlovy Vary airport We proposed new wording of whole paragraphs : ADR.OR.B.040 – Changes (a) Any change: (1) affecting the terms of approval of the certificate; or (2) specified in AMC1-ADR.OR.B.040(a) – Changes, point (b), or (3) any additional elements notified to the competent authority in accordance with paragraph (c) but found necessary to be approved by the competent authority</p>

	shall require prior approval by the competent authority.
response	<p><i>Accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>The elements under subparagraph (a)(2) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority. Finally an implemeneting rule may not contain direct reference to an AMC.</p>
comment	<p>2214 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #177</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OR.B.040 (c)</p> <p>Référence: ADR.OR.B.040 (c) "All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g)."</p> <p>Traduction de courtoisie Should be amended as follows: "All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g) ADR.AR.C.040(a)."</p> <p>The provisions of the text will lead to major cumbersome system. We think of the updating of the aerodrome manual which would represent a significant burden on a daily basis for the operator if he/she had to notify any amendment to the competent authority.</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.</p>
comment	<p>2399 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>Should be amended as follows: "All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g) ADR.AR.C.040(a)."</p>

	<p>The provisions of the text will lead to major cumbersome system. We think of the updating of the aerodrome manual which would represent a significant burden on a daily basis for the operator if he/she had to notify any amendment to the competent authority.</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.</p>
comment	<p>2426 comment by: <i>Aéroports De Lyon</i></p> <p>Tous les changements ne peuvent faire l'objet d'une notification, cela constituerait une lourdeur administrative sans réel valeur ajoutée (cela inciterait les personnels en charge des changements à ne pas le faire savoir). Les documents internes (type Manuel d'Aérodrome) seront mis à jour et mis à la disposition de l'autorité SUR DEMANDE De plus, l'emploi de "All changes" n'implique pas que les changements structurels ou organisationnels pouvant avoir un impact sur la sécurité des vols mais bien TOUS les changements de la plate-forme = IMPOSSIBLE à mettre en oeuvre</p> <p><u>Proposition</u>: supprimer l'article c</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, the proposed deletion of paragraph (c) would cause requirement ADR.AR.C.035(g) to lose its meaning.</p>
comment	<p>2487 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(a) (2) Delete (b)(6) and (b)(7)</p> <p>Justification: This is too detailed for an IR and should be moved to AMC.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for</p>

an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment	<p>2488 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(c) Delete "and notified to the competent authority"</p> <p>Justification: There should be no need to notify the competent authority, if this can be agreed in the procedure.</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p>

comment	<p>2499 ❖ comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.A.001 (p16) • ANNEX I - Part-AR - ADR.AR.B.005 — Management system (p20) • ANNEX I - Part-AR - ADR.AR.B.015 — Changes to the management system (p21) • ANNEX I - Part-AR - ADR.AR.B.020 — Record-keeping (p22) • ANNEX II - Part-OR - ADR.OR.B.040 — (p41) • ANNEX II - Part-OR - ADR.OR.B.045 — Assessment of changes (p42) • ANNEX II - Part-OR - ADR.OR.D.007 — Management of aeronautical data and aeronautical information (p50) • ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51) • ANNEX II - Part-OR - ADR.OR.D.025 — Coordination with other relevant organisations (p53) <p><u>The above rules are affected and should be revised, however, this list could not be considered exhaustive : related AMC and CS should be revised accordingly</u></p> <p><u>2. Justification and proposed text / comment</u></p> <p>This comment is linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)</p> <p>Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections <i>in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.</i>" Only a finding raised on the process to certify aerodromes</p>
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could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States to have a "Management System", with additional requirements on personnel, notably functions to monitor compliance, which induces administrative burden and huge costs: this is the State competency.

It is asked to EASA to delete the notion of a management system for the State, and to limit its regulation to the obligation, for the State, to have adequate procedures and resources to certify, and perform the oversight of aerodromes. It is to note that the Cover regulation only mentions "safety" management system, even in the aerodrome manual (ADR.OR.E.010).

The above rules are affected and should be revised, however, this list could not be considered exhaustive

response *Noted*

The Agency cannot link this comment to the relevant requirement and therefore cannot provide an answer.

comment

2620

comment by: *Infratil Airports Europe Ltd*

Page No: 41

Paragraph No: ADR.OR.B.040 (a) (2)

Comment Delete (b) (6) and (b) (7). This is too detailed for an IR and should be moved to AMC.

response *Partially accepted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment

2621

comment by: *Infratil Airports Europe Ltd*

Document Reference: Annex II – Part OR (BI)

Page No: 41

	<p>Paragraph No: ADR.OR.B.040 (c)</p> <p>Comment There is no need to declare compliance on a form- it is enough to comply. The form is not needed.</p>
response	<p><i>Noted</i></p> <p>The related requirement does not require the submission of such a declaration.</p>

comment	<p>2669 comment by: <i>HIA - Highlands and Islands Airports Limited</i></p> <p>B.040 (a) (2) - Delete reference to <i>b6 and b7</i> as too detailed for implementing rule should be in acceptable means of compliance.</p> <p>B.040 (c) - If this is included in the procedure in the aerodrome manual then this paragraph is not required</p>
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response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual. However, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.</p> <p>Moreover, paragraph (c) describes how changes that do not require a prior approval should be managed. The relevant procedure to be followed by the aerodrome operator in order to implement this requirement should be included in the aerodrome manual, because the latter is supposed to contain all procedures for the implementation of the requirements of these implementing rules.</p>
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comment	<p>2706 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i></p> <table border="1"> <tr> <td>ADR.OR.B.040 (a) (2)</td> <td>Delete (b) (6) and (b) (7)</td> <td>This is too detailed for an IR and should be moved to AMC.</td> </tr> </table>	ADR.OR.B.040 (a) (2)	Delete (b) (6) and (b) (7)	This is too detailed for an IR and should be moved to AMC.
ADR.OR.B.040 (a) (2)	Delete (b) (6) and (b) (7)	This is too detailed for an IR and should be moved to AMC.		

response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, elements (b)(6) and (b)(7) are considered to be vital elements</p>
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of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment 2707 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.B.040 (c)	Delete "and notified to the competent authority"	There should be no need to notify the competent authority, if this can be agreed in the procedure.
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response *Noted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment 2737 comment by: *Aberdeen Airport Airside Operations*

Delete (b) (6) and (b) (7)

This is too much detail for an IR and should be moved to AMC

(c) - Delete "and notified to the competent authority"

There should be no need to notify the competent authority, if this can be agreed in the procedure

response *Partially accepted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment 2878 comment by: *Swedavia AB - Swedish airports (currently 11 airports)*

ADR.OR.B.040 c). Delete "notified". Not necessary to notify all changes - the rest is described in the procedure.

ADR.OR.B.040 c). Change reference to "ADR.AR.C.040 (a)". Consistency with the comment on this paragraph in the sentence above.

response *Noted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.

comment

2937

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.OR.B.040 (c)	"All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g)."
Proposition/commentaire	Il convient de modifier de la manière suivante: "All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g) ADR.AR.C.040(a) ."
Justification	Les dispositions du texte en l'état entraîneront une forte lourdeur du système. Nous pensons notamment à la mise à jour du manuel d'aérodrome qui représenterait une charge importante au quotidien pour l'exploitant s'il devait notifier à l'autorité compétente la moindre de ses modifications.
Traduction de courtoisie	Should be amended as follows: "All changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the competent authority in accordance with ADR.AR.C.035(g) ADR.AR.C.040(a) ." The provisions of the text will lead to major cumbersome system. We think of the updating of the aerodrome manual which would represent a significant burden on a daily basis for the operator if he/she had to notify any amendment to the competent authority.

response

Noted

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.

comment

2988

comment by: *Norwich International Airport*

ADR.OR.B.040 (a) (2)

Delete (b) (6) and (b) (7)

This is too detailed for an IR and should be moved to AMC.

response

Partially accepted

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment

2989

comment by: *Norwich International Airport*

ADR.OR.B.040 (c)

Delete "and notified to the competent authority"

There should be no need to notify the competent authority, if this can be agreed in the procedure.

response

Noted

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment

3033

comment by: *DAA Cork Airport*

There should be no need to notify the competent authority whereby this

	is agreed within the specified procedure.
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p>
comment	<p>3081 comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <p>(b) states "changes which require prior approval according to B.R." In the B.R. is no such requirement. The B.R. does require certification of changes to the certificate. To prevent confusion, the same terms should be used. It is not clear what applies to which certificate.</p>
response	<p><i>Noted</i></p> <p>The Basic Regulation defines the term "certificate " as "any <i>approval, licence or other document issued as the result of certification</i>". Article 8a paragraph 2 (a) of the Basic Regulation requires a prior approval since it refers to "... <i>certification of changes to that certificate</i>".</p>
comment	<p>3086 comment by: <i>BMVBS - Federal Ministry of Transport, Building and Urban Development</i></p> <p>Para (a) subpara (2): Minor changes should not require prior approval; this should be limited to significant changes.</p>
response	<p><i>Accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes, in terms of safety significance. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p>
comment	<p>3142 comment by: <i>Isavia</i></p> <p>ADR.OR.B.040 c). Delete "notified". Not necessary to notify all changes - the rest is described in the procedure.</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p>
comment	<p>3149 comment by: <i>Isavia</i></p>

	ADR.OR.B.040 c). Delete "notified". Not necessary to notify all changes - the rest is described in the procedure
	ADR.OR.B.040 c). Change reference to "ADR.AR.C.040 (a)". Consistency with the comment on this paragraph in the sentence over.
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.</p>
comment	<p>3189 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i></p> <p>clarify "any of the elements". this may cause an unnecessary amount of notification for trivial changes</p>
response	<p><i>Noted</i></p> <p>Any significant change to the processes and procedures corresponding to the relevant requirements should require a competent authority approval.</p>
comment	<p>3193 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i></p> <p>(c) Changes not requiring previous approval shouldn't have to be submitted to the authority. This causes an unnecessary burden on the operator and the authority.</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p>
comment	<p>3259 comment by: <i>London Biggin Hill Airport</i></p> <p>ADR.OR.B.040 (a)(2) Delete (b)(6) and (b)(7) This is too detailed for an IR and should be moved to AMC. (c) Delete " and notified to the competent authority" There should be no need to notify the competent authority, if this can be agreed in the procedure.</p>
response	<p><i>Partially accepted</i></p>

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual. Moreover, elements (b)(6) and (b)(7) are considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority. The proposed change to paragraph (c) would make requirement ADR.AR.C.035(g) to lose its meaning.

comment 3356 comment by: *ADV -German Airports Association*

ADR.OR.B.040 c)
delete "notified"

Justification: not necessary to notify all changes - rest is described in the procedure

response *Noted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment 3358 comment by: *ADV -German Airports Association*

ADR.OR.B.040 c)
Change reference to "ADR.AR.C.040 (a)"

Justification : Consistency with the comment on this paragraph

response *Noted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.

comment 3371 comment by: *MST / STR - Stuttgart Airport*

ADR.OR.B.040 c)
delete "notified"

	Justification: not necessary to notify all changes - rest is described in the procedure
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p>
comment	<p>3372 comment by: <i>MST / STR - Stuttgart Airport</i></p> <p>ADR.OR.B.040 c) Change reference to "ADR.AR.C.040 (a)"</p> <p>Justification : Consistency with the comment on this paragraph</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.</p> <p>Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.</p>
comment	<p>3472 comment by: <i>Fraport AG</i></p> <p>ADR.OR.B.040 - Changes (a)</p> <p>Question</p> <p>Any change affecting: (1) the terms of approval of the certificate; or (2) any of the elements of the operator's management system as required in ADR.OR.D.005 (b)(1), (b)(3), (b)(4), (b)(6) and (b)(7); or (3) any additional elements notified to the competent authority in accordance with paragraph (c) but found necessary to be approved by the competent authority, shall require prior approval by the competent authority.</p> <p>Fraport AG: Changes which needs a prior approval should be defined in terms of safety relevance.</p>
response	<p><i>Accepted</i></p> <p>The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes, in terms of safety significance. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose</p>

of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

comment 3473 comment by: *Fraport AG*

ADR.OR.B.040 - Changes (a) (2)

Editorial

any of the elements of the operator's management system as required in **ADR.OR.D.005 (b)(1), (b)(3), (b)(4), (b)(6) and (b)(7)**; or

Proposed Text

any of the elements of the operator's management system as required in **ADR.OR.D.005 (b)(1), (b)(3) and (b)(4)**; or

Fraport

AG:

This is too detailed for an IR

response *Partially accepted*

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes, in terms of safety significance. However, elements (b)(6) and (b)(7) are also considered to be vital elements of the management system, thus any significant changes to them has to be subject to an approval by the competent authority.

comment 3474 comment by: *Fraport AG*

ADR.OR.B.040 - Changes (b)

Editorial

... The change shall only be implemented upon receipt of formal approval by the competent authority in accordance with **ADR.AR.C.040**. ...

Proposed Text

... The change shall only be implemented upon receipt of formal approval by the competent authority in accordance with **ADR.AR.C.040 (b)**. ...

Fraport

AG:

The cross reference should be specified, because of the different options within ADR.AR.C.040.

response *Noted*

Requirement ADR.AR.C.040 foresees the issuance of prior approvals by the competent authority only for cases related to changes that require such approvals.

comment 3475 comment by: *Fraport AG*

ADR.OR.B.040 - Changes (c)

Editorial

All changes not requiring prior approval **shall be managed and notified to the competent authority as defined** in the procedure approved by the competent authority in accordance with **ADR.AR.C.035(g)**.

Proposed Text

All changes not requiring prior approval **shall be managed as defined** in the procedure approved by the competent authority in accordance with **ADR.AR.C.040 (a)**.

Fraport AG:

There should be no need to notify the competent authority, if this can be agreed in the procedure. The cross reference should be specified, because of the different options within ADR.AR.C.040.

response

Noted

The Agency has reviewed the relevant requirements regarding the process to be followed for the implementation of changes. However, every safety related change needs to be notified to the competent authority, some for an approval and some for the purpose of notification to give the competent authority possibility of reacting if needed or to document the changes, such as upgrading their copy of the aerodrome manual.

Moreover, the proposed change to paragraph (c) would lead to a cyclical reference to paragraph (a), while requirement ADR.AR.C.035(g) would lose its meaning.

ANNEX II - Part-OR - ADR.OR.B.045 – Assessment of changes

p. 42-43

comment

119

comment by: *Flughafen Düsseldorf GmbH*

ADR.OR.B.045 – Assessment of changes *REV*[g1]

[g1]Vereinfachtes Verfahren für unwesentliche Änderungen wäre hilfreich.

response

Noted

Safety assessment of changes relating to the aerodrome, its organisation, its management system and operation should be performed. However, safety assessments are variable in size and complication and are part of a functioning safety management system.

The text of this requirement has been simplified and merged with ADR.OR.B.040.

comment

216

comment by: *SWISS AERODROMES ASSOCIATION*

a) (2): we suggest to delete "agree and".

Requiring an agreement reduces the power of enforcement of the aerodrome operator.

response

Accepted

The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.

comment	624 comment by: Flughafen Düsseldorf GmbH
	<p>a) 1) Hier bleibt unklar welcher Art das Assessment sein soll und wer dafür verantwortlich ist. Nicht jede kleine Änderung kann und sollte bewertet werden müssen.</p> <p>d) An dieser Stelle ist unklar, welche gemeint sind. Allgemeine Vorgaben mit übergeordneter Gültigkeit fehlen bisher international.</p>
response	<i>Noted</i>
	<p>The intent of the requirement is to ensure that an aerodrome operator prior to implementing any change to the aerodrome its operation, or its management conducts a coordinated and systematic safety assessment. This function is part of the aerodrome operator's safety management system.</p>
comment	764 comment by: Airport Nuremberg - NUE/EDDN
	<p>Not any change to the aerodrome, its organisation, its management system and especially to its operation should be subject to an assessment of change. It needs to be clarified that minor changes in operations like the adaptation of a procedure with little or no effect on the safe operation are not included! That would mean a massive bureaucratic effort while generating no safety benefit!</p>
response	<i>Noted</i>
	<p>Safety assessment of changes relating to the aerodrome, its organisation, its management system and operation should be performed. However, safety assessments are variable in size and complication and are part of a functioning safety management system.</p>
comment	767 comment by: Airport Nuremberg - NUE/EDDN
	<p>(a) (1) Needing the agreement of third parties before implementing a change could lead to enormous problems in the daily operation of an airport. Especially taking into account the diverse and conflicting positions/viewpoints of the affected parties it is doubtful that in some cases an agreement is even possible! Therefore "agree" should be deleted. To not hinder airport operations by the claim of third parties for co-determination, this should be moved to the Guidance Material.</p>
response	<i>Accepted</i>
	<p>The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.</p>
comment	768 comment by: Airport Nuremberg - NUE/EDDN
	<p>Should be moved to Guidance Material in order to reduce the negative effect on airport operations.</p>

response	<p><i>Not accepted</i></p> <p>The Agency believes that this requirement is necessary in order to ensure the necessary coordination of actions prior to implementing changes, thus serving as a safety net.</p>
comment	<p>846 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #178</p> <p>UAF NPA 2011-20 (B.I) ADR.OR.B.045 (a)(2)</p> <p>Référence: ADR.OR.B.045 (a) (2) « agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. »</p> <p>Traduction de courtoisie Should be amended as follows: « agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. » The agreement of the operator is unnecessary since he already proposes the changes taking into account the assumptions and mitigations.</p>
response	<p><i>Accepted</i></p> <p>The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.</p>
comment	<p>971 comment by: <i>MST / STR - Stuttgart Airport</i></p> <ul style="list-style-type: none"> • Teil (a) sollte vollständig entfernt werden. • Auch Teil (d) ist schwierig. Es ist die Rede von nicht näher definierten „Safety Criteria“. Eine wirkliche Konkretisierung ergibt sich auch nicht aus den dazugehörigen AMC. Woran soll man sich also zur Festlegung der Safety Criteria orientieren? Das bleibt unklar.
response	<p><i>Noted</i></p> <p>The Agency believes that this requirement is necessary in order to ensure the necessary coordination of actions prior to implementing changes, thus serving as a safety net. However, the text of this requirement has been simplified and merged with ADR.OR.B.040, while the relevant AMC has been turned into guidance material.</p>
comment	<p>1134 comment by: <i>ADP : Aeroports de Paris</i></p> <p>Référence: ADR.OR.B.045 (a) (2) « agree and align assumptions and mitigations with those parties, in a</p>

transparent and systematic way, where they are affected by the assumptions and mitigations. »

Proposition/commentaire

Il convient de modifier de la manière suivante: « ~~agree~~ and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. »

Justification

L'accord de l'exploitant apparaît inutile dans la mesure où il propose déjà les changements en tenant compte des hypothèses et des mitigations.

Traduction de courtoisie

Should be amended as follows: « ~~agree~~ and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. »

The agreement of the operator is unnecessary since he already proposes the changes taking into account the assumptions and mitigations.

response *Accepted*

The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.

comment *1321* comment by: *Cologne/Bonn Airport*
move to GM; replace by IR according to Annex 14, I App7

response *Partially accepted*

The Agency believes that this requirement is necessary in order to ensure the necessary coordination of actions prior to implementing changes, thus serving as a safety net. However, the text of this requirement has been simplified and merged with ADR.OR.B.040.

comment *1350* comment by: *Federal Office of Civil Aviation FOCA*

This provision requires aerodrome operators to ensure adequate consideration of the whole aerodrome system and interactions of its elements. As such, an approach is currently often missing and leads to incomplete assessments, therefore we warmly welcome this requirement. It is important that all elements are taken into consideration before a change is cleared to be introduced into the system. This requirement obliges the stakeholders to work together. In this context, it is important to remember that EC 1035/2011 requires an Air Navigation Service Provider (ANSP) to assess in terms of safety any changes to the (functional) system prior their implementation. As an ANSP might have different acceptable level of safety than an aerodrome operation, the determination of the safety acceptability (see point d) does not lie in the responsibility with the aerodrome operator for the ATM-related aspects.

response	<p><i>Noted</i></p> <p>With regard to the issue of safety acceptability EASA agree that it is not the aerodrome operator's responsibility for ATM related issues, while the opposite is also true. It is the intent of this requirement to help bridge the relevant processes.</p>
comment	<p>1584 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #179</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.B.045 (a)(2)</p> <p>Référence: ADR.OR.B.045 (a) (2) « agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. »</p> <p>Traduction de courtoisie Should be amended as follows: « agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. » The agreement of the operator is unnecessary since he already proposes the changes taking into account the assumptions and mitigations.</p>
response	<p><i>Accepted</i></p> <p>The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.</p>
comment	<p>1710 comment by: <i>ECA - European Cockpit Association</i></p> <p>Comment on (a)(1): One of the concerned parties represented in safety assessments should always be pilots of the local pilots' association.</p> <p>Justification: Every change on Aerodromes affects pilots operating on that airport. That is why local pilots' associations should be involved in assessing changes and keep them as near to standards as possible.</p>
response	<p><i>Noted</i></p> <p>The text as it stands requires already coordination with all affected parties.</p>
comment	<p>1803 comment by: <i>UK CAA</i></p> <p>Page No: 42</p> <p>Paragraph No: ADR.OR.B.045 (b)</p> <p>Comment: The text is not clear about what is required. It infers that everything and all organisations on the aerodrome should be included, which would not be the case.</p>

	<p>Justification: It is necessary to clarify that this covers only those areas and organisations affected by the change. For example, a change to taxiway infrastructure or activity need not be coordinated with users limited to apron areas only.</p> <p>Proposed Text: Revised paragraph: "An aerodrome operator shall ensure that the scope of the assessment includes those interactions and organisations that would be affected by the change".</p>
response	<p><i>Partially accepted</i></p> <p>Paragraph (a) deals with the case of organisations affected by the change.</p> <p>However, paragraph (b) contains a different requirement, which is the systematic analysis of the effect of the proposed change; in other words the effects of the change should not be assessed in isolation, but rather as part of the overall aerodrome system. In any case the text of this requirement has been simplified and merged with ADR.OR.B.040.</p>
comment	<p>1823 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>ADR.OR.B.045 (b) - Change the end of the sentence to "...the whole aerodrome system including all interactions."</p>
response	<p><i>Accepted</i></p> <p>The text has been amended in the suggested direction.</p>
comment	<p>1962 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>Should be amended as follows: « agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. »</p> <p>The agreement of the operator is unnecessary since he already proposes the changes taking into account the assumptions and mitigations.</p>
response	<p><i>Accepted</i></p> <p>The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.</p>
comment	<p>2174 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #180</p> <p>UAF NPA 2011-20 (B.I) ADR.OR.B.045 (a)(2)</p> <p>Référence: ADR.OR.B.045 (a) (2)</p> <p>« agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. »</p> <p>Traduction de courtoisie</p>

	<p>Should be amended as follows: « agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. » The agreement of the operator is unnecessary since he already proposes the changes taking into account the assumptions and mitigations.</p>
response	<p><i>Accepted</i></p> <p>The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.</p>
comment	<p>2215 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #181</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OR.B.045 (a)(2)</p> <p>Référence: ADR.OR.B.045 (a) (2) « agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. »</p> <p>Traduction de courtoisie Should be amended as follows: « agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. » The agreement of the operator is unnecessary since he already proposes the changes taking into account the assumptions and mitigations.</p>
response	<p><i>Accepted</i></p> <p>The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.</p>
comment	<p>2293 comment by: <i>Munich Airport International</i></p> <p>Move to GM; replace by IR according to ICAO Annex 14 Vol. I App 7</p>
response	<p><i>Partially accepted</i></p> <p>The Agency believes that this requirement is necessary in order to ensure the necessary coordination of actions prior to implementing changes, thus serving as a safety net. However, the text of this requirement has been simplified and merged with ADR.OR.B.040.</p>
comment	<p>2397 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>Should be amended as follows: « agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. »</p> <p>The agreement of the operator is unnecessary since he already proposes the changes taking into account the assumptions and mitigations.</p>

response

Accepted

The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.

comment

2499 ❖

comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.A.001 (p16)
- ANNEX I - Part-AR - ADR.AR.B.005 — Management system (p20)
- ANNEX I - Part-AR - ADR.AR.B.015 — Changes to the management system (p21)
- ANNEX I - Part-AR - ADR.AR.B.020 — Record-keeping (p22)
- ANNEX II - Part-OR - ADR.OR.B.040 — (p41)
- ANNEX II - Part-OR - ADR.OR.B.045 — Assessment of changes (p42)
- ANNEX II - Part-OR - ADR.OR.D.007 — Management of aeronautical data and aeronautical information (p50)
- ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51)
- ANNEX II - Part-OR - ADR.OR.D.025 — Coordination with other relevant organisations (p53)

The above rules are affected and should be revised, however, this list could not be considered exhaustive : related AMC and CS should be revised accordingly

2. Justification and proposed text / comment

This comment is linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)

Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections *in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*" Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States to have a "Management System", with additional requirements on personnel, notably functions to monitor compliance, which induces administrative burden and huge costs: this is the State competency.

It is asked to EASA to delete the notion of a management system for the State, and to limit its regulation to the obligation, for the State, to have adequate procedures and resources to certify, and perform the oversight of aerodromes. It is to note that the Cover regulation only mentions "safety" management system, even in the aerodrome manual (ADR.OR.E.010).

	<u>The above rules are affected and should be revised, however, this list could not be considered exhaustive</u>
response	<i>Noted</i>
	This AMC addresses only the coordination between the aerodrome operator and other organisations prior to implementing a change at an aerodrome.

comment	2527 comment by: <i>Shannon Airport</i>
	There should be no need to notify the competent authority where this is agreed within the specified procedure

response	<i>Noted</i>
	EASA cannot provide an answer to the comment as it is unclear which requirement it refers to.

comment	2874 comment by: <i>IDRF e.V. (association of regional airports)</i>
	This provision goes much beyond the BR. Especially it is not feasible in any case to agree with affected parties.

response	<i>Partially accepted</i>
	The draft rules address the issue of coordination of actions prior to implementing changes affecting the aerodrome, its operation or its management, and as such are covered under the Section Operations and Management of Annex Va of the Basic Regulation.
	However, the text of this requirement has been simplified and merged with ADR.OR.B.040.

comment	2938 comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>
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Référence: ADR.OR.B.045 (a) (2)	« agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. »
Proposition/commentaire	Il convient de modifier de la manière suivante: « agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. »
Justification	L'accord de l'exploitant apparaît inutile dans la mesure où il propose déjà les changements en tenant compte des hypothèses et des mitigations.

Traduction de courtoisie	<p>Should be amended as follows: « agree and align assumptions and mitigations with those parties, in a transparent and systematic way, where they are affected by the assumptions and mitigations. »</p> <p>The agreement of the operator is unnecessary since he already proposes the changes taking into account the assumptions and mitigations.</p>
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response *Accepted*

The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.

comment 3359 comment by: *ADV -German Airports Association*

ADR.OR.B.045

Move to GM; replace by IR according to ICAO Annex 14 Vol. I App 7

response *Partially accepted*

The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.

comment 3373 comment by: *MST / STR - Stuttgart Airport*

ADR.OR.B.045

Move to GM; replace by IR according to ICAO Annex 14 Vol. I App 7

response *Partially accepted*

The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.

comment 3476 comment by: *Fraport AG*

ADR.OR.B.045 - Assessment of changes (a) (2)

Editorial

agree and align assumptions and mitigations ...

Proposed Text

consult assumptions and mitigations ...

Fraport

AG:

To migrate processes of third parties is not in the competence of the aerodrome operator, but processes have to recognize in the overall

	operation.
response	<i>Accepted</i>
	The text has been amended in the suggested direction, while the text of this requirement has been simplified and merged with ADR.OR.B.040.

ANNEX II - Part-OR - ADR.OR.B.050 – Continuing compliance with the Agency’s Certification Specifications

p. 43

comment	169	comment by: <i>CAA-NL</i>
	We suggest in (b) to change 'if relevant' into 'if notified by the competent authority according to ADR.AR.C.020 (a) (2).	
response	<i>Noted</i>	
	It is the aerodrome operator’s responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.	
	On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.	
comment	300	comment by: <i>BAA Airside operations</i>
	(a) Should this not be an AR responsibility, not OR? Is it not the role of the CAA to identify if new CS’s apply to an aerodrome? A possible solution would be that it may be a joint process.	
response	<i>Noted</i>	
	It is the aerodrome operator’s responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.	
	On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.	
comment	400	comment by: <i>Edinburgh Airport</i>
	ADR.OR.B.050 (a) Should this not be an AR responsibility, not OR? Justification - Is it not the role of the CAA to identify if new CS's apply to an aerodrome?	
response	<i>Noted</i>	
	It is the aerodrome operator’s responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.	

On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.

comment 656 comment by: *Exeter International Airport*
ADR.OR.B.050 (a) : Is it not the role of the CAA to identify if new CS's apply to an aerodrome?

response *Noted*
It is the aerodrome operator's responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.
On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.

comment 1079 comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.B.050 (a)	Should this not be an AR responsibility, not OR?	Is it not the role of the CAA to identify if new CS's apply to an aerodrome?
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response *Noted*
It is the aerodrome operator's responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.
On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.

comment 1272 comment by: *Blackpool Airport - BLK/EGNH*
ADR.OR.B.050 (a) : Is it not the role of the nations CAA to identify if new CS's apply to an aerodrome?

response *Noted*
It is the aerodrome operator's responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.
On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.

comment 1347 comment by: *Gatwick Airport Ltd*
(a)

	<p>Should this not be an AR responsibility, not OR?</p> <p>Justification</p> <p>Is it not the role of the CAA to identify if new CS's apply to an aerodrome?</p>
response	<p><i>Noted</i></p> <p>It is the aerodrome operator's responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.</p> <p>On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.</p>
comment	<p>1804 comment by: UK CAA</p> <p>Page No: 43</p> <p>Paragraph No: ADR.OR.B.050</p> <p>Comment: This IR places an obligation on an aerodrome operator which is not required as it is a task that should be carried out by the competent authority. Therefore, it should be removed to AMC and replaced by a new IR in the Authority Requirements.</p> <p>Justification: Changes to certification specifications should be managed nationally through the Competent Authority, which will oversee implementation and ensure consistency across its aerodromes. This is the process undertaken when ICAO SARPs change – changes are initiated by a States Letter, with the SARPs then being implemented by member states; by so doing a consistent application can be promoted.</p> <p>Proposed Text: New: "ADR.AR.C.085 – Continuing Compliance with the Agency's Certification Specifications.</p> <p>Following an amendment of the Certification Specifications established by the Agency, the competent authority shall implement a process to ensure that the Certification Specifications are implemented as applicable at aerodromes in its member state".</p> <p>New: "AMC.ADR.OR.B.050 – Continuing compliance with the Agency's Certification Specifications An aerodrome operator, following an amendment of the Certification Specifications established by the Agency, and promulgated by the competent authority, should: (a) perform a review to identify any Certification Specifications which are applicable to the aerodrome; and (b) if relevant, initiate a change process in accordance with ADR.OR.B.040 and implement the necessary changes at the aerodrome. "</p>
response	<p><i>Noted</i></p>

It is the aerodrome operator’s responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.

On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.

comment 1887 comment by: *Stansted Airport*
 ADR.OR.B.050 (a)
 Should this not be an AR responsibility, not OR?
 Is it not the role of the CAA to identify if new CS’s apply to an aerodrome?

response *Noted*
 It is the aerodrome operator’s responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.
 On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.

comment 2492 comment by: *East Midlands Airport - EMA/EGNX*
 (a) This should be an AR responsibility, not an OR.
 Justification: Is it not the role of the CAA to identify if agency amendments to CS’s apply to an aerodrome?

response *Noted*
 It is the aerodrome operator’s responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.
 On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.

comment 2708 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.B.050 (a)	Should this not be an AR responsibility, not OR?	Is it not the role of the CAA to identify if new CS’s apply to an aerodrome?
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response *Noted*
 It is the aerodrome operator’s responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.
 On the other hand, the competent authority has to ensure that aerodrome

operators do comply with the relevant requirements and take the necessary actions in case of non compliance.

comment 2738 comment by: *Aberdeen Airport Airside Operations*
(a) - Should this not be an AR responsibility, not OR?

Is it not the role of the CAA to identify if new CS's apply to an aerodrome?

response *Noted*

It is the aerodrome operator's responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.

On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.

comment 2879 comment by: *IDRF e.V. (association of regional airports)*
This is an issue for the authorities, typically during the oversight of certifications.

response *Noted*

It is the aerodrome operator's responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.

On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.

comment 3267 comment by: *CAA SR*
From the headline substitute term "Agency's Certification Specification" with "Certification basis".

response *Noted*

The intent of the requirement is to ensure that the aerodrome always comply with the latest Certification Specification s applicable to the aerodrome. However, one could ensure continued compliance with a certification basis which is not updated, therefore missing the compliance with the latest Agency Certification Specification s.

comment 3313 comment by: *Southampton Airport*
Under (a) - would the CAA not notify new CS's that apply to an aerodrome?

response *Noted*

It is the aerodrome operator's responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the

aerodrome.

On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.

comment	<p>3477 comment by: <i>Fraport AG</i></p> <p>ADR.OR.B.050 - Continuing compliance with the Agency's Certification Specifications</p> <p>Editorial</p> <p>Complete paragraph!</p> <p>Move to Annex I - Part-AR</p> <p>Fraport AG:</p> <p>The oversight of new Certification specifications should be in the oversight of the competent authority. It could not be the Task of the aerodrome operator x-checking each new CS if it may apply to the aerodrome or not. Especially there is no legal and certified process in place which informs the aerodromes about new adopted CSs.</p>
response	<p><i>Noted</i></p> <p>It is the aerodrome operator's responsibility to comply with the applicable requirements and ensure that the necessary changes take place at the aerodrome.</p> <p>On the other hand, the competent authority has to ensure that aerodrome operators do comply with the relevant requirements and take the necessary actions in case of non compliance.</p>

ANNEX II - Part-OR - ADR.OR.B.055 – Change of aerodrome operator	p. 43
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comment	<p>170 comment by: <i>CAA-NL</i></p> <p>In (c) reference to ADR.OR.B.045 should be ADR.OR.B.025, because the new aerodrome operator has to demonstrate compliance to the competent authority.</p>
response	<p><i>Noted</i></p> <p>The Agency has removed this requirement.</p>
comment	<p>215 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>Letter (a) is unnecessary and should be deleted</p>
response	<p><i>Noted</i></p> <p>The Agency has removed this requirement.</p>

comment	847	comment by: <i>Union des Aéroports français - UAF</i>
	Attachment #182	
	UAF	NPA
	2011-20	(B.I)
	ADR.OR.B.055	(a)
	<p>Référence: ADR.OR.B.055 (a) "An aerodrome operator shall notify the competent authority about its intention to transfer the operation of the aerodrome, indicating the date that the transfer shall take place."</p>	
	<p>Traduction de courtoisie Should be amended as follows: "An aerodrome operator shall notify the competent authority about its intention to transfer the operation of the aerodrome, indicating the date that the transfer shall take place." The operator, in place, usually does not intend to transfer the operation but rather the owner or licensor. What matters is that the competent authority shall be informed of the date of change of operator. In principle this is done by the grantor, but we could understand that the operator in place might indicate the date of termination of its activity on the aerodrome. EASA also seems to consider that the change of operator can only be processed through arrangements between the two operators, which seems unrealistic. This is why we prefer to have a certificate of limited duration that would allow the authority to make a complete certification procedure for issuing a certificate for an indefinite period.</p>	
response	<i>Noted</i>	
	The Agency has removed this requirement.	

comment	1135	comment by: <i>ADP : Aeroports de Paris</i>
	Référence: ADR.OR.B.055 (a)	
	"An aerodrome operator shall notify the competent authority about its intention to transfer the operation of the aerodrome, indicating the date that the transfer shall take place."	
	Proposition/commentaire	
	Il convient de modifier de la manière suivante: "An aerodrome operator shall notify the competent authority about its intention to transfer the operation of the aerodrome, indicating the date that the transfer shall take place."	
	Justification	
	Ce n'est généralement pas l'exploitant sortant qui a l'intention de transférer l'exploitation mais plutôt le propriétaire ou le concédant. Ce qui importe est que l'autorité compétente soit informée de la date de changement d'opérateur. En principe ceci est fait par le concédant, mais nous pourrions comprendre que l'exploitant en place indique directement la date de cessation de son activité sur l'aérodrome.	
	Voir par ailleurs le 9ieme commentaire général ref. n° 2892	
	Traduction de courtoisie	
	Should be amended as follows: "An aerodrome operator shall notify the	

competent authority ~~about its intention to transfer the operation of the aerodrome, indicating~~ the date that the transfer shall take place.”

The operator, in place, usually does not intend to transfer the operation but rather the owner or licensor.

What matters is that the competent authority shall be informed of the date of change of operator. In principle this is done by the grantor, but we could understand that the operator in place might indicate the date of termination of its activity on the aerodrome.

See also 9th general comment ref n° 2892

response *Noted*

The Agency has removed this requirement.

comment *1351* comment by: *Federal Office of Civil Aviation FOCA*

ADR.OR.B.055 (a) - Change of aerodrome operator: please delete paragraph (a) as it is obsolete - the process described in (b) and (c) is sufficient.

response *Noted*

The Agency has removed this requirement.

comment *1585* comment by: *Euroairport Bâle-Mulhouse*

Attachment [#183](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.B.055 (a)

Référence: ADR.OR.B.055 (a)
 “An aerodrome operator shall notify the competent authority about its intention to transfer the operation of the aerodrome, indicating the date that the transfer shall take place.”

Traduction de courtoisie
 Should be amended as follows: “An aerodrome operator shall notify the competent authority ~~about its intention to transfer the operation of the aerodrome, indicating~~ the date that the transfer shall take place.”
 The operator, in place, usually does not intend to transfer the operation but rather the owner or licensor.
 What matters is that the competent authority shall be informed of the date of change of operator. In principle this is done by the grantor, but we could understand that the operator in place might indicate the date of termination of its activity on the aerodrome.
 EASA also seems to consider that the change of operator can only be processed through arrangements between the two operators, which seems unrealistic.

This is why we prefer to have a certificate of limited duration that would allow the authority to make a complete certification procedure for issuing a certificate for an indefinite period.

response *Noted*

comment	<p>2203 comment by: <i>AESA - Agencia Estatal de Seguridad Aérea</i></p> <p>c) The new operator to whom the operation of the aerodrome is to be transferred shall provide the competent authority with the relevant documentation in accordance with ADR.OR.B.045 and ADR.OR.E.005.</p> <p><i>Replace ADR.OR.B.045 by AMC1.ADR.OR.B.055</i></p>
response	<p><i>Noted</i></p> <p>The Agency has removed this requirement.</p>
comment	<p>2216 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #185</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OR.B.055 (a)</p> <p>Référence: ADR.OR.B.055 (a) "An aerodrome operator shall notify the competent authority about its intention to transfer the operation of the aerodrome, indicating the date that the transfer shall take place."</p> <p>Traduction de courtoisie Should be amended as follows: "An aerodrome operator shall notify the competent authority about its intention to transfer the operation of the aerodrome, indicating the date that the transfer shall take place." The operator, in place, usually does not intend to transfer the operation but rather the owner or licensor. What matters is that the competent authority shall be informed of the date of change of operator. In principle this is done by the grantor, but we could understand that the operator in place might indicate the date of termination of its activity on the aerodrome. EASA also seems to consider that the change of operator can only be processed through arrangements between the two operators, which seems unrealistic. This is why we prefer to have a certificate of limited duration that would allow the authority to make a complete certification procedure for issuing a certificate for an indefinite period.</p>
response	<p><i>Noted</i></p> <p>The Agency has removed this requirement.</p>
comment	<p>2395 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>Should be amended as follows: "An aerodrome operator shall notify the competent authority about its intention to transfer the operation of the aerodrome, indicating the date that the transfer shall take place."</p> <p>The operator, in place, usually does not intend to transfer the operation but rather the owner or licensor. What matters is that the competent authority shall be informed of the date of change of operator. In principle this is done by the grantor, but we could understand that the operator in place might indicate the date of termination of its activity on the aerodrome.</p>

EASA also seems to consider that the change of operator can only be processed through arrangements between the two operators, which seems unrealistic.

This is why we prefer to have a certificate of limited duration that would allow the authority to make a complete certification procedure for issuing a certificate for an indefinite period.

response *Noted*

The Agency has removed this requirement.

comment 2939 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OR.B.055 (a)	"An aerodrome operator shall notify the competent authority about its intention to transfer the operation of the aerodrome, indicating the date that the transfer shall take place."
Proposition/commentaire	Il convient de modifier de la manière suivante: "An aerodrome operator shall notify the competent authority about its intention to transfer the operation of the aerodrome, indicating the date that the transfer shall take place."
Justification	Ce n'est généralement pas l'exploitant sortant qui a l'intention de transférer l'exploitation mais plutôt le propriétaire ou le concédant. Ce qui importe est que l'autorité compétente soit informée de la date de changement d'opérateur. En principe ceci est fait par le concédant, mais nous pourrions comprendre que l'exploitant en place indique directement la date de cessation de son activité sur l'aérodrome. Par ailleurs l'AESA semble considérer que le cas du changement d'exploitant ne peut être traité que par le biais d'arrangements entre les deux exploitants, ce qui semble utopique. C'est pour cela que nous préférons également avoir un certificat à durée limitée qui permettrait à l'autorité compétente d'effectuer une procédure complète de certification pour la délivrance du certificat à durée indéterminée.
Traduction de courtoisie	Should be amended as follows: "An aerodrome operator shall notify the competent authority about its intention to transfer the operation of the aerodrome, indicating the date that the transfer shall take place."

	<p>The operator, in place, usually does not intend to transfer the operation but rather the owner or licensor.</p> <p>What matters is that the competent authority shall be informed of the date of change of operator. In principle this is done by the grantor, but we could understand that the operator in place might indicate the date of termination of its activity on the aerodrome.</p> <p>EASA also seems to consider that the change of operator can only be processed through arrangements between the two operators, which seems unrealistic.</p> <p>This is why we prefer to have a certificate of limited duration that would allow the authority to make a complete certification procedure for issuing a certificate for an indefinite period.</p>
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response *Noted*

The Agency has removed this requirement.

comment 3196 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
(a) is not necessary, delete

response *Noted*

The Agency has removed this requirement.

comment 3268 comment by: *CAA SR*
(b) The new operator to whom the operation of the aerodrome is to be transferred shall apply for a certificate to the competent authority, **in due time** prior to the date that the transfer shall take place **in order to complete proceses ADR.OR.B.015**.

response *Noted*

The Agency has removed this requirement.

ANNEX II - Part-OR - ADR.OR.B.060 — Declaration of providers of apron management services

p. 43-44

comment 80 comment by: *CAA Norway*

As the apron management will not operate directly with the aerodrome manual, but presumably with its own manual, this should be reworded. We suggest to reword ADR.OR.B.060 (a) (5) on page 44:

	"ensure its services is provided in ..."	
response	<i>Not accepted</i>	
	The apron management services are part of the aerodrome operational services, while the aerodrome operator is responsible for the operation of the aerodrome. Therefore, the relevant requirements and the operating procedures associated with the provision of such services have to be included in the aerodrome manual (see also ICAO Doc 9774 on the content of the aerodrome manual). The aerodrome manual may also refer to other documents.	
comment	171	comment by: CAA-NL
	We suggest to delete this paragraph.	
response	<i>Noted</i>	
	The Agency cannot provide an answer to this comment since it is unclear to which paragraph the comment refers.	
comment	190	comment by: Swedavia AB - Swedish airports (currently 11 airports)
	Is it really a need to regulate Apron Management.	
response	<i>Noted</i>	
	Apron management services are a part of the aerodrome operational services, necessary for managing the activities and the movement of aircraft and vehicles on an apron. The Basic Regulation foresees amongst others that the implementing rules will include provisions for "the conditions and procedures for the declaration by and for the oversight of service providers referred to in paragraph 2(e) ", that is the providers of apron management services which are allowed to declare their activities. A separate rulemaking task is foreseen in order to develop the actual operational requirements for the provision of such services.	
comment	240	comment by: KLM
	Clarification needed.	
	What are exactly these services?	
response	<i>Noted</i>	
	The Basic Regulation foresees that: ""apron management service" shall mean a service provided to manage the activities and the movement of aircraft and vehicles on an apron". For a description of the apron management services see ICAO Doc 9137 (airport services manual) Part 8 (airport operational services).	
comment	513	comment by: Icelandic Civil Aviation Administration
	ADR.OR.B.060 (a)(5) - As the apron management will not operate directly with the aerodrome manual, but presumably with its own manual , this	

should be reworded. We suggest to reword ADR.OR.B.060 (a) (5) on page 44: "ensure its services is provided in ..."

response *Not accepted*

The apron management services are part of the aerodrome operational services, while the aerodrome operator is responsible for the operation of the aerodrome. Therefore, the relevant requirements and the operating procedures associated with the provision of such services have to be included in the aerodrome manual (see also ICAO Doc 9774 on the content of the aerodrome manual). The aerodrome manual may also refer to other documents.

comment 1033 ❖ comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- A. Explanatory Note - II. Process and scope (p5,6): note 2
- Draft Commission Regulation (p2-5): §12
- ANNEX I - Part-AR - ADR.AR.C.005 — Oversight (p23)
- ANNEX I - Part-AR - ADR.AR.C.050 — Declarations of providers of apron management services (p27-28)
- ANNEX I - Part AR - APPENDIX I (p32-33)
- ANNEX I - Part AR - APPENDIX II (p34-36)
- ANNEX II - Part-OR - ADR.OR.B.060 — Declaration of providers of apron management services (p43-44)
- ANNEX II - Part-OR - APPENDIX II (p61-62)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem (p3)
- AMC/GM to ANNEX I — Part-AR — AMC1-ADR.AR.C.005 — Oversight (p18)
- AMC/GM to ANNEX II — Part-OR — AMC2-ADR.OR.E.005 — Aerodrome manual (p109-114) – part E – 16

2. General comment

This comment is **critical**.

As it is said in the explanatory note (*II. Process and scope, note 2, pages 5-6*), the Agency did not undertake the development of safety rules for apron management services but later on will initiate a joint group with ATM. However, some procedural rules related to those services are included in the proposed rules.

DGAC considers it is essential to provide the flexibility needed to conduct further debates that will take place in the given joint group.

In particular, the connection between the aerodrome operator and providers of apron management service can not be established without further debates. Indeed, providers of apron management services, when existing, can be independent from the aerodrome operator, with arrangements between these two entities. For example in CDG airport, providers of apron management services are not subcontractors of the CDG operator. Moreover, there is a risk of inconsistency with what will be proposed by the joint group that will propose draft regulation on that point.

Therefore, the procedural rules included in the proposed implementing rules and corresponding AMC/GM shall remain at a high level stage only.

The provisions of the NPA that would consequently need to be revised are dealt with case by case in the proposed texts/comments below:

3. Justification and proposed texts / comments

· This comment is linked with comment 23 in Explanatory Note and 793 in book II.

ADR.AR.C.005 — Oversight: Paragraph (a)(2)

DGAC understands the certification basis is not applicable to providers of apron management services, but it's not clear in paragraph (a)(2) of ADR.AR.C.005.

Providers of apron management services declare their compliance to applicable requirements only, thus the proposed change:

"(a) [...]"

(2) *continued compliance, with the certification basis and/or applicable requirements [...]"*

· ADR.AR.C.050 — Declarations of providers of apron management services

Considering what is said in the general comment just above and the fact that providers of apron management services are not subcontractors of the aerodrome operator, it would be inappropriate, when the competent authority has to notify something to the apron management services, to systematically notify it also to the aerodrome operator. Moreover, this could induce more delays to solve the problem as it could be understood that the corrective action is to be done by other entities.

Finally, as this is not a requirement, the wording "*if required*" should be replaced by "*when deemed necessary*".

Thus DGAC proposes to modify paragraph (b) of ADR.AR.C.050 as follows: "*If the declaration does not contain the required information, or contains information that indicates non-compliance with applicable requirements, the competent authority shall notify the provider of apron management services about the non-compliance and request further information. ~~and If deemed necessary, the competent authority can address a copy of this notification to the aerodrome operator about the non-compliance and request further information. If required~~ deemed necessary, the competent authority shall carry out an inspection of the provider of apron management services ~~and the aerodrome operator~~. If the non-compliance is confirmed, the competent authority shall take action as defined in ADR.AR.C.055 towards the apron management service*"

· Part AR - APPENDIX I and APPENDIX II

The name of the provider of apron management service should not be part of the certificate of the aerodrome operator because they can be independent.

APPENDIX I

"[...]"

TERMS OF APPROVAL	
Provision of apron management services:	Specify name of service provider

"[...]"

APPENDIX II

"[...]"

~~Apron management services are provided by [specify name of service provider].~~
[...]"

· ADR.OR.B.060 — Declaration of providers of apron management services

Paragraph (a): DGAC doesn't understand the pertinence of having an agreement with an aerodrome operator.

~~"(a) The provider of apron management services, following an agreement with an aerodrome operator for the provision of such services at an aerodrome, shall:"~~

Paragraph (a)(5): DGAC finds this provision goes too far. Moreover, nobody will verify that the provider of apron management service complies with the aerodrome manual; in particular it's absolutely not the aerodrome operator's task.

~~"(5) provide its services in accordance with the aerodrome manual and comply with all relevant provisions contained therein"~~

Paragraph (b): DGAC doesn't understand the pertinence of notifying the aerodrome operator when ceasing activity.

~~"(b) Before ceasing the provision of such services, the provider of apron management services shall notify the competent authority and the aerodrome operator."~~

· Part-OR - APPENDIX II

In order to be clearer, DGAC proposes to clarify that these declarations of the providers of apron management services are declarations "of compliance" (see the proposed titles below).

Moreover, it is essential to delete "The service is provided in accordance with the content of the relevant aerodrome manual" as this is absolutely not high level and as it may induce a risk of inconstancy with the future rules on apron management services.

"Appendix II to Annex II

Declaration of compliance

In accordance with Commission Regulation (EC) No XXX/2013 laying down requirements and procedures related to aerodromes pursuant to Regulation (EC) No 216/ 2008 of the European Parliament and of the Council

[...]

~~ð The service is provided in accordance with the content of the relevant aerodrome manual.~~

[...]

ð (If applicable) The operator has implemented and demonstrated conformance to an officially recognised industry standard.

Reference of the standard: Certification body:

Date of the last conformance audit:

[...]

· AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem

AMC1-ADR.AR.A.030(d) is to be deleted:

~~**"AMC1-ADR.AR.A.030(d) — Immediate reaction to a safety problem**~~
NOTIFICATION OF MEASURES

~~In case that the competent authority directs a measure to a provider~~

~~apron management services, then these measures should also be notified to the aerodrome operator."~~

· AMC1-ADR.AR.C.005 — Oversight

High level provisions in this NPA state that apron management services shall provide a declaration to the competent authority when appropriate. But the oversight of the "continued competence" goes beyond this statement and therefore merits further debates.

Moreover, the word "qualified" should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions.

Thus the following proposed changes to this AMC:

AMC1-ADR.AR.C.005 — Oversight

"GENERAL

(a) ~~The competent authority should assess the aerodrome operator and monitor its continued competence to conduct safe operations in compliance with the applicable requirements and the certification basis. Similarly, the competent authority should monitor the continued competence of providers of apron management services. The competent authority should ensure that accountability for assessing and monitoring aerodrome operators as well as providers apron management services is clearly defined. This accountability may be delegated or shared, in whole or in part.~~

(b) ~~It is essential that the competent authority shall have the full capability to adequately assess the continued competence of an aerodrome operator or a provider of apron management services by ensuring that the whole range of activities is assessed by appropriately qualified trained personnel."~~

· AMC2-ADR.OR.E.005 — Aerodrome manual

AMC2-ADR.OR.E.005 includes in the aerodrome manual the procedures for apron management. This is not high level provision and strongly needs further debates, because the relevancy of having apron management procedures in the aerodrome manual is not proven.

For instance, it is possible to imagine a system where the providers of apron management service have their own procedures and the aerodrome operator has nothing to do with them. Chapter 16 of part E of the structure of the aerodrome manual is to be deleted.

Note: DGAC also proposes to put the content of this AMC to GM because of the high level of details that doesn't fit to all organization. See comment xx.

"AMC2GM1-ADR.OR.E.00510 — Structure of aerodrome manual

[...]

~~16. Procedures for apron management including:~~

~~16.1 transfer of the aircraft between air traffic control and the apron management unit;~~

~~16.2 allocation of aircraft parking positions;~~

~~16.3 engine start and aircraft push-back;~~

~~16.4 marshalling and follow-me service.~~

~~[...]"~~

response Not accepted

According to the Basic regulation, the aerodrome operator is responsible for the operation of the aerodrome, while Annex Va of the Basic Regulation foresees in particular that "... the aerodrome operator shall ensure that movements of vehicles and persons in the movement area and other operational areas are coordinated with movements of aircraft in order to avoid collisions and damage to aircraft ...". Apron management services are a part of the aerodrome operational services [see ICAO Doc 9137 (airport services manual) Part 8 (airport operational services)], necessary for managing the activities and the movement of aircraft and vehicles on an apron.

It is therefore the aerodrome operator that comes into an agreement with organisations for the provision of the necessary services, including the apron management services. Moreover, the relevant requirements and the operating procedures associated with the provision of such services have to be included in the aerodrome manual (see also ICAO Doc 9774 on the content of the aerodrome manual). The aerodrome manual may also refer to other documents.

It is necessary that providers of apron management services notify the aerodrome operator prior to ceasing their operation, as the provision of such services affects the safe and orderly operation of the aerodrome.

Finally the Agency has the view that the particular rules are indeed of a procedural nature and at appropriate level, as the actual requirements for the provision of such services will be developed in the context of another rulemaking task.

comment

1806

comment by: UK CAA

Page No: 43**Paragraph No:** ADR.OR.B.060

Comment: UK CAA considers that it should be made clear that this provision only applies when a Member State has decided to derogate from the requirement to hold a certificate, in accordance with Article 8a.1(e) of the basic EASA Regulation.

The UK CAA considers that it is disproportionate to require a declared organisation to provide the competent authority with a list of alternative means of compliance.

Justification: The declaration process should simply ensure that the provider acknowledges its responsibilities, notifies the NAA of its existence and provides sufficient information to enable the NAA to exercise enforcement activities as it thinks proper. The UK CAA has maintained this position in commenting on the proposals for declarations from NCC operators.

Requiring all declared providers to notify NAAs when they use alternative means of compliance takes the process too far towards a certification regime. The UK CAA suggests that submission of alternative means of compliance and any assessment thereof should depend on a request from the competent authority where it assesses the need to do so in accordance with its risk-based oversight programme. This would allow proportionate and targeted oversight of declared organisations. The UK CAA suggests

that the text in this provision be amended and additional text added to ADR.AR.C.050, consistent with proposals made with respect to NCC provisions, to empower the competent authority to request providers to submit a list of AMCs used.

Proposed Text: Amend heading to read "**Declarations of providers of apron management services in Member States deciding to derogate from requirement for certificate**"

Amend:

"(a)(2) **if so requested**, provide the competent authority with a list of the alternative means of compliance used".

"(a)(5) provide its services in accordance with the aerodrome **operator's** manual and...."

response *Partially accepted*

The introductory part of paragraph (a) has been modified to make evident that this requirement applies only in Member States that allow such declaration. However, the competent authority should be aware of any alternative means of compliance used by such organisations, while the Agency has the view that paragraph (a)(5) is not ambiguous and therefore does not need to be amended.

comment

2105

comment by: AIRBUS

Please modify the following sentence:

(a) The provider of apron management services, ~~following an agreement with an aerodrome operator for the provision of such services at an aerodrome,~~ shall:

Reason: The agreement may be with an other entity than the aerodrome operator

response *Not accepted*

The apron management services are part of the aerodrome operational services while, according to the provisions of the Basic Regulation, the aerodrome operator is responsible for the operation of the aerodrome. It is therefore the aerodrome operator that comes into an agreement with organisations for the provision of the necessary services, including the apron management services.

comment

2570

comment by: IATA

ADR.OR.B.060 — Declaration of providers of apron management services

Clarification needed.

What are exactly these services?

response

Noted

The Basic Regulation foresees that: “apron management service” shall mean a service provided to manage the activities and the movement of aircraft and vehicles on an apron”. The same definition has been included in article 2 of the draft regulation. For a description of the apron management services see ICAO Doc 9137 (airport services manual) Part 8 (airport operational services).

comment 3150 comment by: *Isavia*

As the apron management will not operate directly with the aerodrome manual, but presumably with its own manual, this should be reworded. We suggest to reword ADR.OR.B.060 (a) (5) on page 44: "ensure its services is provided in ..."

response *Not accepted*

The apron management services are part of the aerodrome operational services, while the aerodrome operator is responsible for the operation of the aerodrome. Therefore, the relevant requirements and the operating procedures associated with the provision of such services have to be included in the aerodrome manual (see also ICAO Doc 9774 on the content of the aerodrome manual). The aerodrome manual may also refer to other documents.

comment 3333 comment by: *AEA - Association of European Airlines*

ADR.OR.B.060 – Declaration of providers of apron management services

Comments

Clarification needed.

What are exactly these services?

response *Noted*

The Basic Regulation foresees that: “apron management service” shall mean a service provided to manage the activities and the movement of aircraft and vehicles on an apron”. The same definition has been included in article 2 of the draft regulation. For a description of the apron management services see ICAO Doc 9137 (airport services manual) Part 8 (airport operational services).

comment 3478 comment by: *Fraport AG*

ADR.OR.B.060 - Declaration of providers of apron management services

General

Complete paragraph!

Dissociate the provisions of AltMCs of a third apron operator from the aerodrome infrastructural items and specify it with in this paragraph.

Fraport

AG:

The aerodrome manual is not an openly accessible document. Its whole

content is known to the competent authority and the aerodrome operator exclusively. Third Parties only know the extracts relevant for their service provision in forms. So alternative means of compliance can only be shown by the third operator for apron management services on their own infrastructure and processes not on the parts of the aerodrome.

response *Noted*

The use of alternative means of compliance is not related to "infrastructural items", as the latter fall in the scope of the certification basis and therefore the relevant Certification Specifications are applicable. In any case, the proposed requirement, as well as ADR.OR.A.015 (c), already foresee that the use of alternative means of compliance is subject to the agreement by the aerodrome operator.

With the regard to the aerodrome manual, ADR.OR.E.005 already foresees to which parts of the aerodrome manual one organisation should have access to.

ANNEX II - Part-OR - ADR.OR.B.065 — Termination of operation

p. 44

comment 514 comment by: *Icelandic Civil Aviation Administration*

ADR.OR.B.065 (d) - Could be intended or unintended. Suggest to delete "unintended" from this sentence and make a new sentence above: "Ensure that appropriate measures have been taken to avoid the unintended use of the aerodrome by aircraft and ..."

response *Noted*

The intent of the draft rule is to cover cases of unintended use of the aerodrome following the termination of operations. The Agency has the view that the responsibilities of the aerodrome operator are discharged if all necessary measures to prevent the unintended use of the aerodrome have been taken.

comment 1110 comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- ANNEX II - Part-OR - ADR.OR.B.065 — Termination of operation (p44)
- AMC/GM to ANNEX II - Part-OR - AMC1-ADR.OR.B.065 — Termination of operation (p63)

2. Justification and proposed text / comment

This comment is linked with comment 856 in book II.

This comment is **critical**.

The termination of operation is a matter of the aerodrome creator and

absolutely not of the aerodrome operator. This IR means the aerodrome operator can "close" the aerodrome; nevertheless, the aerodrome operator, in cases where it is needed, only suspend the operations (for instance if snow conditions are really too bad to operate).

The suspension of operations by the aerodrome operator is managed through the management of changes, within the aerodrome operator SMS and is covered by the IR related to these points.

The termination of operation is managed by the State and/or the aerodrome creator (region for instance), and is defined by administrative legislation within the system of the State. It is not EASA competency to regulate the creation and the closure of an aerodrome, and this point is not dealt with by the competent authority but by the State or the region. This specification impacts the French system.

Consequently, ADR.OR.B.065 is confusing and useless: it is proposed to **delete the entire provision.**

response *Not accepted*

There are cases where, for various reasons, the aerodrome operator decides to terminate its operations and to surrender its certificate. In accordance with Annex 15 the ceasing of operations of an aerodrome is considered to be a significant change of the air navigation system, which the aviation community needs to be aware of in advance. It is the responsibility of the aerodrome operator to take all necessary measures in this respect, because the aerodrome is still in operation.

In addition, such termination of operations may lead to inadvertent use of the aerodrome with unforeseeable consequences in terms of safety. Therefore, the aerodrome operator needs to take the necessary measures to prevent such events.

If the aerodrome owner (in case it is different from the operator) decides to continue the operation of the aerodrome prior to the ceasing of operations, then this is covered under ADR.OR.B.055 (change of aerodrome operator). However, ADR.OR.B.065 addresses the case that there will be no new aerodrome operator, that is the aerodrome will cease its operations.

comment *3151*

comment by: *Isavia*

Could be intended or unintended. Suggest to delete "unintended" from this sentence and make a new sentence above: "Ensure that appropriate measures have been taken to avoid the unintended use of the aerodrome by aircraft and ..."

response *Noted*

The intent of the draft rule is to cover cases of unintended use of the aerodrome following the termination of operations. The Agency has the view that the responsibilities of the aerodrome operator are discharged if all necessary measures to prevent the unintended use of the aerodrome have been taken.

comment	<p>120 comment by: Flughafen Düsseldorf GmbH</p> <p style="text-align: center;">ADR.OR.C.005 – Operator responsibilities <i>REV</i></p> <p>(a) The aerodrome operator is responsible for the operation and maintenance of the aerodrome in accordance with:</p> <p>(1) Regulation (EC) No 216/2008 and its Implementing Rules; (2) the terms of approval of its certificate;</p> <p>(3) the content of the aerodrome manual; and</p> <p>(4) any other manual for the aerodrome equipment available at the aerodrome, as applicable.</p> <p>(b) The aerodrome operator shall have <u>formal arrangements [g1]</u> in place with organisations that provide services at the aerodrome, including but not limited to:</p> <hr/> <p>[g1]Inhalt?</p>
response	<p><i>Accepted</i></p> <p>The Agency has amended the relevant implementing rule to improve its readability.</p>

comment	<p>172 comment by: CAA-NL</p> <p>We suggest to delete (a) (4) about regulation for aerodrome equipment.</p>
response	<p><i>Not accepted</i></p> <p>This requirement is based on a relevant essential requirements contained in Annex Va of the Basic Regulation. A separate rulemaking task will deal with the issue of aerodrome equipment.</p>

comment	<p>218 comment by: SWISS AERODROMES ASSOCIATION</p> <p>(a) The aerodrome operator is not sole responsible. The State has responsibilities too. The text should read "In its field of competency, the aerodrome operator is responsible"</p> <p>(b)For the same reason, the final sentence should be "unsel such services are provided directly by the aerodrome operator itself or by another entity which by force of law has this responsibility"</p> <p>(c) the relevant information should be limited to the one related to the safety of aircraft operations.</p>
response	<p><i>Not accepted</i></p> <p>The Agency agrees that the aerodrome operators and the competent authorities of the Member States, including the Member States themselves, have certain responsibilities with regard to the application of the proposed rules. These responsibilities are further defined in a separate Part of the draft rules, including the articles of the cover Regulation. However, as clearly stated in Annex Va, "The aerodrome operator is responsible for operation of the aerodrome. The responsibilities of the aerodrome operator are as follows:" The content of these draft</p>

requirements is aligned with these essential requirements.
 Moreover, the information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).

comment	<p>301 comment by: <i>BAA Airside operations</i></p> <p>(c) Amend to read "that relevant operational information for the safety of aircraft..."</p> <p>This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.</p>
response	<p><i>Noted</i></p> <p>The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).</p>
comment	<p>353 comment by: <i>Danish Transport Authority</i></p> <p>The list of formal arrangements should include Apron Management Service.</p>
response	<p><i>Partially accepted</i></p> <p>Under the provisions of Annex Va, the aerodrome operator should have arrangements with the organisations operating or providing services at the aerodrome.</p> <p>However, in order to avoid overlapping of the provisions of ADR.OR.C.005(b) with the provisions of ADR.OR.D.025(a) the provisions of the former requirement have been amended to cover only the ANSPs and the issue of procedures design (see essential requirement Section A2), while the issue of apron management services provision is considered to be covered under ADR.OR.D.010, for which relevant guidance material have been provided. Finally, ADR.OR.B.060, already refers to an agreement between the aerodrome operator and the provider of apron management services.</p>
comment	<p>401 comment by: <i>Edinburgh Airport</i></p> <p>ADR.OR.C.005 (c) - Amed to read "that relevant operational information for the safety of aircraft" Justification - This clarifies that no all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's in the AIP.</p>
response	<p><i>Noted</i></p> <p>The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).</p>

comment	515	comment by: <i>Icelandic Civil Aviation Administration</i>
	A need to define better "terms of approval" in ADR.OR.C.005 (a) (2) on page 45, to add to the terms: "lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval."	
response	<i>Accepted</i>	
	The Agency has amended the relevant provisions in order to clarify the meaning of the term.	
comment	657	comment by: <i>Exeter International Airport</i>
	ADR.OR.C.005 (c) : Amend to read "that relevant operational information for the safety of aircraft...". This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.	
response	<i>Noted</i>	
	The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).	
comment	779	comment by: <i>Airport Nuremberg - NUE/EDDN</i>
	Since in Germany for instance some of the under (b) mentioned categories are already regulated by national legislation the following term should be used:	
	If not regulated or specified by national regulations, the aerodrome operator shall have formal arrangements in place with organisations that provide [...].	
response	<i>Noted</i>	
	Under the provisions of Annex Va, the aerodrome operator should have arrangements with the organisations operating or providing services at the aerodrome. This requirement does not exclude service providers already regulated by national legislation.	
	However, in order to avoid overlapping of the provisions of ADR.OR.C.005(b) with the provisions of ADR.OR.D.025(a) the provisions of the former requirement have been amended to cover only the ANSPs and the issue of procedures design (see essential requirement Section A2), while other cases are considered to be covered under ADR.OR.D.010, for which relevant guidance material have been provided.	
comment	848	comment by: <i>Union des Aéroports français - UAF</i>
	Attachment #186	
	UAF	NPA
	2011-20	(B.I)
	ADR.OR.C.005	
	Référence:	ADR.OR.C.005
		Operator
		responsibilities

	<p>Traduction de courtoisie This article should be read in light of General Comment No. 2 which has been done about it in which UAF suggested adding a new Article between Article 2 and Article 3 of the "cover regulation 'in Book I.</p>
response	Noted
comment	<p>852 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> ANNEX II - Part-OR - ADR.OR.C.005 — Operator responsibilities (p45) <p><u>2. Justification and proposed text / comment</u></p> <p>This comment is critical. This IR should take into account the organisation of the member State.</p> <p>The aerodrome operator has to have formal arrangements with entities which are not already under its responsibility. To clarify, we propose to add "Where appropriate" in (b) and "without prejudice to (b) below". Moreover, it can be appropriate to quote some other entities in (b). DGAC France understands that "<i>formal arrangements</i>" can be a protocol, a convention, a local regulation (example: "arrêté préfectoral"), a national regulation stating who is doing what.</p> <p>Finally, the aerodrome equipments are not always maintained by the aerodrome operator, but sometimes by ATC (example: ILS). Equipments will be dealt with at a later stage, as indicated in the Cover Regulation (in (11) page 5): it is consequently proposed to delete (a) (4):</p> <p><i>"(a) The aerodrome operator is responsible for the operation and maintenance of the aerodrome in accordance with:</i> [...] (4) any other manual for the aerodrome equipment available at the aerodrome, as applicable <i>and without prejudice to (b) below</i> (b) <i>Where appropriate, the aerodrome operator shall have formal arrangements in place with organisations that provide services at the aerodrome, including but not limited to:</i> (1) <i>air traffic services;</i> (2) <i>aeronautical information services;</i> (3) <i>communication, navigation and surveillance services;</i> (4) <i>meteorological services;</i> (5) <i>design and maintenance of the flight procedures;</i> (6) <i>ground handling services;</i> (7) <i>security services;</i> (8) <i>rescue and fire-fighting services where appropriate;</i> (9) <i>energy supply.</i> [...]"</p>
response	<p><i>Partially accepted</i></p> <p>With regard to the comment on paragraph (a)(4) (equipment manual), the requirement contained therein is based on the relevant essential requirements contained in Annex Va of the Basic Regulation.</p>

Moreover, under the provisions of Annex Va, the aerodrome operator should have arrangements with the organisations operating or providing services at the aerodrome. However, in order to avoid overlapping of the provisions of ADR.OR.C.005(b) with the provisions of ADR.OR.D.025(a) the provisions of the former requirement have been amended to cover only the ANSPs and the issue of procedures design (see essential requirement Section A2), while other cases, such as those proposed to be included in the requirement, are considered to be covered under ADR.OR.D.010, for which relevant guidance material have been provided.

comment 965 comment by: *Flughafen Düsseldorf GmbH*
 b) Hier muss ergänzt werden, dass dies nur zutrifft, wenn es nicht schon im nationalen Gesetz geregelt ist.

response *Noted*

Under the provisions of Annex Va, the aerodrome operator should have arrangements with the organisations operating or providing services at the aerodrome. This requirement does not exclude service providers already regulated by national legislation.
 However, in order to avoid overlapping of the provisions of ADR.OR.C.005(b) with the provisions of ADR.OR.D.025(a) the provisions of the former requirement have been amended to cover only the ANSPs and the issue of procedures design (see essential requirement Section A2), while other cases are considered to be covered under ADR.OR.D.010, for which relevant guidance material have been provided.

comment 975 comment by: *MST / STR - Stuttgart Airport*

Zu Teil (b):

- Hinsichtlich „formal arrangements“ sollte ergänzt werden, dass Regelungsbedarf nur dann besteht, wenn es nicht bereits eine gesetzliche Regelung gibt => „*unless (already) required by law*“.
- Diese "formal arrangements" sind offensichtlich mit allen Organisationen zu treffen, die Dienste am Flughafen anbieten („*including but not limited to...*“). Der Umfang dieser Vereinbarungen ist hierbei jedoch nicht klar definiert.

response *Partially accepted*

Under the provisions of Annex Va, the aerodrome operator should have such arrangements with the organisations operating or providing services at the aerodrome. This requirement does not exclude service providers already regulated by national legislation.
 However, in order to avoid overlapping of the provisions of ADR.OR.C.005(b) with the provisions of ADR.OR.D.025(a) the provisions of the former requirement have been amended to cover only the ANSPs and the issue of procedures design (see essential requirement Section A2), while others cases are considered to be covered under

ADR.OR.D.010, for which relevant guidance material have been provided.

comment	1011	comment by: <i>Avinor</i>
	ADR.OR.C.005 (c). Amend to read "that relevant operational information for the safety of aircraft...". This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.	
response	<i>Noted</i>	
	The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).	

comment	1080	comment by: <i>Bristol Airport - BRS/EGGD</i>			
	<table border="1"> <tr> <td>ADR.OR.C.005 (c)</td> <td>Amend to read "that relevant operational information for the safety of aircraft..."</td> <td>This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.</td> </tr> </table>	ADR.OR.C.005 (c)	Amend to read "that relevant operational information for the safety of aircraft..."	This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.	
ADR.OR.C.005 (c)	Amend to read "that relevant operational information for the safety of aircraft..."	This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.			
response	<i>Noted</i>				
	The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).				

comment	1137	comment by: <i>ADP : Aeroports de Paris</i>
	<p>Référence: ADR.OR.C.005 Operator responsibilities</p> <p>Proposition/commentaire Cet article est à lire en tenant compte du 3ieme commentaire général n°2867 qui a été fait à ce sujet dans lequel il est proposé de rajouter un nouvel article entre l'article 2 et l'article 3 de la « cover regulation » au livre I.</p> <p>Justification</p> <p>Traduction de courtoisie This article should be read in light of 3rd General Comment No. 2867 which has been done about it in which it is suggested adding a new Article between Article 2 and Article 3 of the "cover regulation 'in Book I.</p>	
response	<i>Noted</i>	

comment	1273	comment by: <i>Blackpool Airport - BLK/EGNH</i>
	ADR.OR.C.005 (c) : Amend to read "that relevant operational information for the safety of aircraft...". This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.	

response	<p>Article 2 and Article 3 of the "cover regulation 'in Book I.</p> <p><i>Noted</i></p>
comment	<p>1694 comment by: <i>Swedish Transport Agency</i></p> <p>ADR.OR.C.005 (a) (2). A need to define better, to add to the terms:"lighting systems, taxiway system, aprons, strips and RESAs as items in the terms of approval."</p>
response	<p><i>Accepted</i></p> <p>The Agency has amended the relevant provisions in order to clarify the meaning of the term.</p>
comment	<p>1738 comment by: <i>CAA Norway</i></p> <p>We suggest to reword ADR.OR.C.005 (c) to read "that relevant operational information for the safety of aircraft..." This clarifies that not all ELOS, SC's etc need to be published, but only information relevant to the operation! There is no need to publish all ELOS, SC's etc in the AIP. (Corresponding AMC/GM must be rephrased accordingly).</p>
response	<p><i>Noted</i></p> <p>The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).</p>
comment	<p>1807 comment by: <i>UK CAA</i></p> <p>Page No: 45</p> <p>Paragraph No: ADR.OR.C.005 (a)(4)</p> <p>Comment: The aerodrome should not be operated in accordance with (4) "any other manual for the aerodrome equipment available at the aerodrome, as applicable".</p> <p>Justification: The aerodrome manual details the operating processes and systems at the aerodrome and so it is sufficient for the aerodrome operator to operate the aerodrome in accordance with that manual alone. The aerodrome manual may refer to other manuals if deemed necessary by the competent authority. Paragraph (a)(4) relates specifically to equipment, not the operation and maintenance of the aerodrome. It should, therefore, be deleted.</p> <p>Proposed Text: Delete ADR.OR.C.005 (a)(4).</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome includes the relevant equipment. In addition, the aerodrome manual may refer to other specific manuals such as the individual aerodrome equipment manual, which should normally contain operating and maintenance instructions.</p>

comment

1809

comment by: UK CAA

Page No: 45**Paragraph No:** ADR.OR.C.005 (c)

Comment: Some of the information listed in (c) should be published only where deemed necessary. The IR would impose the requirement to **publish** information that should only need to be reflected in the aerodrome manual.

Justification: As an example, an equivalent level of safety (ELOS) should be recorded in the aerodrome manual but need not be published – what matters is whether limitations are applied and what they are (information relevant to aircrew and aerodrome users). It may not be necessary to publish information other than in the aerodrome manual.

Taking an aerodrome example, many aerodromes have tall control towers that infringe the inner horizontal surface. These should be safety assessed to assure that they represent an ELOS and details for this would be contained in the aerodrome manual via the certification basis. However, all that needs to be published elsewhere is the inclusion of the control tower as an obstacle in the aerodrome aeronautical information publication entry.

Proposed Text: (c) An aerodrome operator shall coordinate with the competent authority to ensure that relevant information for the safety of aircraft **is contained in the aerodrome manual, and is published where appropriate.** This shall include:

- (1) exemptions or derogations granted from the applicable requirements;
- (2) provisions for which an equivalent level of safety was accepted by the competent authority as part of the certification basis; and
- (3) special conditions and limitations with regard to the use of the aerodrome.

response

Noted

The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).

comment

1888

comment by: Stansted Airport

ADR.OR.C.005 (c)

Amend to read "that relevant operational information for the safety of aircraft..."

This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.

response	<i>Noted</i> The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).
comment	1952 <i>comment by: London Luton Airport Operations Ltd</i> at (c) the aerodrome operator publishes aircraft safety information in the AIP and this is regularly updated. the pilot community do not read the aerodrome manual for such information but the AIP. Inclusion in the aerodrome manual would lead to continual and impracticable changes and updates to the aerodrome manual and ultimately to many errors.
response	<i>Noted</i> The inclusion of such information in the aerodrome manual, is as important as the the publication of the relevant information in the AIP. The aerodrome operator must operate the aerodrome in accordance with the aerodrome manual and therefore the latter has to be updated and contain correct information.
comment	1965 <i>comment by: Aéroport de Marseille - MRS/LFML</i> This article should be read in light of General Comment No. 2 which has been done about it in which UAF suggested adding a new Article between Article 2 and Article 3 of the "cover regulation 'in Book I.
response	<i>Noted</i>
comment	2038 <i>comment by: Airport Operators Association</i> ADR.OR.C.005 (c) This should be amended to read "that relevant operational information for the safety of aircraft..." Justification - This clarifies that not all ELoS, SC's etc need to be published, only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.
response	<i>Noted</i> The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).
comment	2187 <i>comment by: CAA CZ</i> Comment by Karlovy Vary airport We provide remark to the following paragraph : SUBPART C — ADDITIONAL OPERATOR RESPONSIBILITIES (ADR.OR.C) ADR.OR.C.005 — Operator responsibilities Aerodrome operator responsibilities stated in ADR.OR.C.005 are the basic operator's responsibilities and should be placed in part ADR.OR.A rather than in subpart C dealing with additional responsibilities.
response	<i>Noted</i>

The Agency considers that it is more appropriate to have a dedicated Subpart on the responsibilities of the aerodrome operator, rather including them in Subpart A, which contains general requirements.

comment	<p>2296 comment by: <i>Munich Airport International</i></p> <p><u>(b)</u></p> <p>Add „If it is not required by national law...” in the beginning</p>
response	<p><i>Noted</i></p> <p>Under the provisions of Annex Va, the aerodrome operator should have such arrangements with the organisations operating or providing services at the aerodrome. This requirement does not exclude service providers already regulated by national legislation.</p>
comment	<p>2391 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>This article should be read in light of General Comment No. 2 which has been done about it in which Pau Pyrenees airport suggested adding a new Article between Article 2 and Article 3 of the "cover regulation" in Book I.</p>
response	<p><i>Noted</i></p>
comment	<p>2431 comment by: <i>Aéroports De Lyon</i></p> <p>D'une manière générale, les responsabilités du gestionnaire augmentent considérablement.</p> <p>Problème: l'EASA ne peut conférer les pouvoirs nécessaires à l'application des missions qu'elle exige. En effet, le texte transfère des missions et les responsabilités des autorités publiques (ex: préfet, SNA) à l'exploitant ce qui n'est pas permis par le droit applicable, qui est contraire aux principes de subsidiarité et de proportionnalité et contraire à d'autres réglementations UE.</p> <p>Si l'EASA ne modifie pas ce texte, les exploitants français se retrouveront dans une position où la loi française sera en contradiction avec la réglementation européenne. Dans une telle situation, quelles règles faudrait-il appliquer?</p> <p><u>Exemple:</u> Les procédures de vols sont à la charge des SNA et/ou des transporteurs. L'exploitant n'a pas les compétences pour assurer de telles missions.</p> <p><u>Solution proposée:</u> Chaque état doit avoir la possibilité de désigner les entités chargées des missions exigées par l'EASA. (Pour résumer, l'EASA dit "QUOI" et les états membres disent "QUI")</p>
response	<p><i>Noted</i></p> <p>The Agency agrees that the aerodrome operators and the competent authorities of the Member States, including the Member States themselves, have certain responsibilities with regard to the application of the proposed rules. These responsibilities are further defined in a separate Part of the draft rules, including the articles of the cover Regulation. However, as clearly stated in Annex Va, "The aerodrome operator is</p>

responsible for operation of the aerodrome. The responsibilities of the aerodrome operator are as follows:" The content of these draft requirements is aligned with these essential requirements.

comment

2551

comment by: AENA - Aeropuertos Españoles y Navegación Aérea

This comment is **critical**. This IR should take into account the organisation of the member State.

The aerodrome operator has to have formal arrangements with entities which are not already under its responsibility. To clarify, we propose to add "Where appropriate" in (b) and "without prejudice to (b) below". Moreover, it can be appropriate to quote some other entities in (b). It is understood that "*formal arrangements*" can be a protocol, a convention, a local regulation, a national regulation stating who is doing what.

Finally, the aerodrome equipments are not always maintained by the aerodrome operator, but sometimes by Meteorological Services. Equipments will be dealt with at a later stage, as indicated in the Cover Regulation (in (11) page 5): it is consequently proposed to delete (a) (4):

"(a) The aerodrome operator is responsible for the operation and maintenance of the aerodrome in accordance with:

[...]

~~*(4) any other manual for the aerodrome equipment available at the aerodrome, as applicable*~~

and without prejudice to (b) below

(b) Where appropriate, the aerodrome operator shall have formal arrangements in place with organisations that provide services at the aerodrome, including but not limited to:

- (1) air traffic services;*
- (2) aeronautical information services;*
- (3) communication, navigation and surveillance services;*
- (4) meteorological services;*
- (5) design and maintenance of the flight procedures;*
- (6) ground handling services;*
- (7) security services;*
- (8) rescue and fire-fighting services where appropriate;*
- (9) energy supply.*

[...]"

response

Partially accepted

With regard to the comment on paragraph (a)(4) (equipment manual), the requirement contained therein is based on the relevant essential requirements contained in Annex Va of the Basic Regulation.

Moreover, under the provisions of Annex Va, the aerodrome operator should have arrangements with the organisations operating or providing services at the aerodrome. However, in order to avoid overlapping of the provisions of ADR.OR.C.005(b) with the provisions of ADR.OR.D.025(a) the provisions of the former requirement have been amended to cover only the ANSPs and the issue of procedures design (see essential requirement Section A2), while other cases, such as those proposed to be included in the requirement, are considered to be covered under ADR.OR.D.010, for which relevant guidance material have been provided.

comment	<p>2623 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 45</p> <p>Paragraph No: ADR.OR.C.005 (c)</p> <p>Comment This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP. Amend to read "that relevant operational information for the safety of aircraft..."</p>			
response	<p><i>Noted</i></p> <p>The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).</p>			
comment	<p>2709 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i></p> <table border="1" data-bbox="383 840 1396 1008"> <tr> <td data-bbox="383 840 598 1008">ADR.OR.C.005 (c)</td> <td data-bbox="598 840 909 1008">Amend to read "that relevant operational information for the safety of aircraft..."</td> <td data-bbox="909 840 1396 1008">This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.</td> </tr> </table>	ADR.OR.C.005 (c)	Amend to read "that relevant operational information for the safety of aircraft..."	This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.
ADR.OR.C.005 (c)	Amend to read "that relevant operational information for the safety of aircraft..."	This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.		
response	<p><i>Noted</i></p> <p>The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).</p>			
comment	<p>2739 comment by: <i>Aberdeen Airport Airside Operations</i></p> <p>(c) Amend to read "that relevant operational information for the safety of aircraft..."</p> <p>This clarifies that not all ELoS, SC's etc need to be published, but only the relevant information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP</p>			
response	<p><i>Noted</i></p> <p>The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).</p>			
comment	<p>2800 comment by: <i>Vereinigung der Dienstleister an Deutschen Flughäfen e.V. (VDF)</i></p> <p>(b) The airport operator shall have formal arrangements among others with (6) ground handling services. As the proposal for a regulation of the European Parliament and of the Council on ground handling services at Union airports and repealing Council Directive 96/67/EC and already the Council Directive 96/67/EC include formal arrangements it should be made clear that these are the formal arrangements meant under this regulation.</p>			

	<p>Otherwise there is the danger that arrangements have to be made twice and do not go well together, the more ADR.OR.C.005 does not mention what should be arranged.</p>
response	<p><i>Noted</i></p> <p>The scope of Regulation 216/2008 and its implementing rules is different from the scope of Directive 96/67, since the former is focusing on aviation safety and the latter "on access to the groundhandling market at Community airports". In accordance with the provisions of Annex Va, the aerodrome operator should have arrangements with the organisations operating or providing services at the aerodrome.</p> <p>However, in order to avoid overlapping of the provisions of ADR.OR.C.005(b) with the provisions of ADR.OR.D.025(a) the provisions of the former requirement have been amended to cover only the ANSPs and the issue of procedures design (see essential requirement Section A2).</p>
comment	<p>2880 comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i></p> <p>ADR.OR.C.005 (c). Amend to read "that relevant operational information for the safety of aircraft...". This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.</p>
response	<p><i>Noted</i></p> <p>The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).</p>
comment	<p>2882 comment by: <i>IDRF e.V. (association of regional airports)</i></p> <p>Letter (b): Germany's aerodrome operators didn't have formal arrangements with (1)-(5) since decades and the aviation system worked properly and safe in this respect. There is no need to regulate this, neither in terms of safety nor in terms of the BR.</p>
response	<p><i>Noted</i></p> <p>The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).</p>
comment	<p>2906 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(c) Amend to read "that relevant operational information for the safety of aircraft..."</p> <p>Justification: This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.</p>
response	<p><i>Noted</i></p>

The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).

comment 2940 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OR.C.005	Operator responsibilities
Proposition/commentaire	Cet article est à lire en tenant compte du commentaire général n°2 qui a été fait à ce sujet dans lequel ACA propose de rajouter un nouvel article entre l'article 2 et l'article 3 de la « cover regulation » au livre I.
Justification	
Traduction de courtoisie	This article should be read in light of General Comment No. 2 which has been done about it in which ACA suggested adding a new article between Article 2 and Article 3 of the "cover regulation" in Book I.

response *Noted*

The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).

comment 2994 comment by: *Norwich International Airport*
ADR.OR.C.005 (c)

Amend to read "that relevant operational information for the safety of aircraft..."

This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP.

response *Noted*

The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).

comment 3144 comment by: *Isavia*

ADR.OR.C.005 (c). Amend to read "that relevant operational information for the safety of aircraft...". This clarifies that not all ELoS, SC's etc. need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc. in the AIP.

response *Noted*

The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of

ICAO Doc 9774 on aerodrome certification).

comment	3152	comment by: <i>Isavia</i>
	ADR.OR.C.005 (c). Amend to read "that relevant operational information for the safety of aircraft...". This clarifies that not all ELoS, SC's etc. need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc. in the AIP.	
response	<i>Noted</i>	
	The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).	

comment	3261	comment by: <i>London Biggin Hill Airport</i>
	ADR.OR.C.005(c) Amend this to read "that relevant operational information for the safety of aircraft" This clarifies that not all ELoS, SC's etc need to be published, but only information relevant to the operation. There is no need to publish ELoS, SC's etc in the AIP	
response	<i>Noted</i>	
	The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).	

comment	3360	comment by: <i>ADV -German Airports Association</i>
	ADR.OR.C.005 (b) Add „If it is not required by national law..." in the beginning	
response	<i>Noted</i>	
	Under the provisions of Annex Va, the aerodrome operator should have arrangements with the organisations operating or providing services at the aerodrome. This requirement does not exclude service providers already regulated by national legislation. However, in order to avoid overlapping of the provisions of ADR.OR.C.005(b) with the provisions of ADR.OR.D.025(a) the provisions of the former requirement have been amended to cover only the ANSPs and the issue of procedures design (see essential requirement Section A2), while other cases are considered to be covered under ADR.OR.D.010, for which relevant guidance material have been provided.	

comment	3374	comment by: <i>MST / STR - Stuttgart Airport</i>
	ADR.OR.C.005 (b) Add „If it is not required by national law..." in the beginning	
response	<i>Noted</i>	
	Under the provisions of Annex Va, the aerodrome operator should have arrangements with the organisations operating or providing services at the	

aerodrome. This requirement does not exclude service providers already regulated by national legislation.
 However, in order to avoid overlapping of the provisions of ADR.OR.C.005(b) with the provisions of ADR.OR.D.025(a) the provisions of the former requirement have been amended to cover only the ANSPs and the issue of procedures design (see essential requirement Section A2), while other cases are considered to be covered under ADR.OR.D.010, for which relevant guidance material have been provided.

comment	<p>3479 comment by: <i>Fraport AG</i></p> <p>ADR.OR.C.005 - Operator responsibilities (c)</p> <p>Support</p> <p>...to ensure that relevant information for the safety of aircraft is published...</p> <p>No change</p> <p>Fraport AG: Fraport support the idea, that only safety relevant information for aircraft operations has to be published</p>
response	<p><i>Noted</i></p> <p>The information to be provided in accordance with paragraph (c) is indeed related to aircraft safety and should be published (see also Appendix 3 of ICAO Doc 9774 on aerodrome certification).</p>

ANNEX II - Part-OR - ADR.OR.C.010 – Use of the aerodrome by large aircraft

p. 46

comment	<p>16 comment by: <i>Finnish Transport Safety Agency</i></p> <p>No need for prior approval by authority. Aerodrome operator makes aeronautical studies if, how or where large aircrafts can operate at aerodrome.</p>
response	<p><i>Noted</i></p> <p>The Agency does not share the view that the authority should not be involved in such cases, which may lead to significant changes to the operation of the aerodrome.</p>
comment	<p>219 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>The exceptional case of emergencies must not fall under this rule.</p>
response	<p><i>Accepted</i></p> <p>The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.</p>

comment	302	comment by: <i>BAA Airside operations</i>
	(a) Add "except in an emergency" This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given.	
response	<i>Accepted</i> The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.	
comment	402	comment by: <i>Edinburgh Airport</i>
	ADR.OR.C010 (a) Add - "except in an emergency" Justification - This clarifies that if a larger aircraft declares an emergency then it will not need prior approval of the competent authority before permission to land is given.	
response	<i>Accepted</i> The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.	
comment	404	comment by: <i>Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)</i>
	(a) add:expect in an emergency.	
response	<i>Accepted</i> The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.	
comment	582	comment by: <i>Belfast International Airport - BFS/EGAA</i>
	Add "except in an emergency" This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given.	
response	<i>Accepted</i> The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.	
comment	658	comment by: <i>Exeter International Airport</i>
	ADR.OR.C.010 (a) : Add "except in an emergency". This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given	
response	<i>Accepted</i>	

The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.

comment

816

comment by: Flughafen Düsseldorf GmbH

ADR.OR.C.010 – Use of the aerodrome by large aircraft REV

(a) The prevention of threats to the safety of air traffic and the support of the air traffic flow take priority over to other interests. Aircraft may take off and land outside the approved operating hours when the airport operator has agreed.

(b) In particular, subject to prior approval by the competent authority, an aerodrome operator may permit the use of the aerodrome or parts thereof by aircraft with a higher code letter than the aerodrome design characteristics specified in the terms of approval of certificate.[HT1]

(b) (c) In showing compliance with this article, the provisions of ADR.OR.B.040 shall apply.

[HT1]Benötigt jedes Einzelereignis (AN124 oder B748/A380) eine Genehmigung oder wird es eine Dauergenehmigung geben?

response

Noted

The intent of the rules is deal with operations of higher code letter aircraft and to have a permanent approval issued, rather than issuing individual approvals for every operation.

comment

855

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX II - Part-OR - ADR.OR.C.010 – Use of the aerodrome by large aircraft (p46)
- Explanatory Note paragraph (47) page 12

2. Justification and proposed text / comment

The word "large aircraft" is not appropriate (even ICAO Circular 305 states that a "NLA" is a "new larger aircraft", but "larger" is a generic word and can mean "longer", "more stringent"). Consequently, the word "large" is not really adequate for the subject and for a regulation: it is proposed to use "more demanding aircraft" as used in other IRs of the NPA and in the Explanatory Note, in paragraph 47 (page 12).

Linked with the point above, the reference to code letter is not relevant because does not cover all the cases : the code letter only refers to the wing span and the outer main gear wheel span, but the aircraft can be more demanding because of its length (example for the location of holding positions). The terms of approval of the certificate do not mention the

"aerodrome design characteristics" but the "more demanding aircrafts". Moreover, the use by more demanding aeroplanes is managed through the management of changes, for which the competent authority only approves the significant changes. We can imagine the aerodrome already has some taxiways adequately dimensioned to have a dedicated path for the new aircraft, and in this case, the assessment should NOT be subject to prior approval by the competent authority. As this is already dealt with by the IRs on the management of changes, we propose to delete the reference to the prior approval.

Consequently, it is proposed to modify ADR-OR.C.010 as follows :

"ADR-OR.C.010 – Use of the aerodrome by large more demanding aircraft"

~~(a) Subject to prior approval by the competent authority, an aerodrome operator may permit the use of the aerodrome or parts thereof by a more demanding aircraft with a higher code letter than the one(s) used to design the aerodrome design characteristics and specified in the terms of approval of the certificate."~~

response *Noted*

The intent of the rule is to cover the cases of operation of aircraft with a higher code letter at aerodromes or parts thereof. The title of the article has been amended to reflect this. The Agency has the view that such cases should require an approval by the competent authority.

comment

1012

comment by: *Avinor*

ADR.OR.C.010 (a). Add "except in an emergency". This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given.

response

Accepted

The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.

comment

1029

comment by: *Dublin Airport Authority*

Ref- (a)

Add: "except in an emergency" – this will clarify that during declared emergencies, prior approval will not be required from the competent authority before permission to land is given.

response

Accepted

The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.

comment

1083

comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.C.010 (a)	Add "except in an emergency"	This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent
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		authority before permission to land is given.
response	<i>Accepted</i>	The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.
comment	1116	comment by: <i>DGAC Direction Générale de l'aviation civile</i>
		<p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX II — Part-OR – ADR.OR.C.010 - Use of the aerodrome by large aircraft (p46) • AMC/GM to ANNEX II — Part-OR — GM1-ADR.OR.C.010 — Use of the aerodrome by large aircraft (p64) <p><u>2. Justification and proposed text / comment</u></p> <p>This comment is linked with comment 864 in book II.</p> <p>Depending on the type of aircraft, the competent authority does not always have to give prior approval when a more demanding aircraft may use the aerodrome. However, it should be systematically notified to the competent authority, Then, when the change requires prior approval as defined by the competent authority in accordance with ADR.OR.B.040, the aerodrome operator should be informed about the decision to follow the change or not.</p> <p>Moreover, the aerodrome reference code is a planning design tool only and is not pertinent for daily operations. Referring to “<i>an aeroplane with a higher code letter</i>” may be confusing because there can be several “reference codes” depending on the infrastructure (example: a taxiway used for some types of aeroplanes only). It is thus not appropriate in these provisions and should be replaced by “<i>more demanding aircraft</i>”.</p> <p>ADR.OR.C.010 - Use of the aerodrome by large aircraft</p> <p>“(a) Subject to prior notification to approval by the competent authority, an aerodrome operator may permit the use of the aerodrome or parts thereof by a more demanding aircraft with a higher code letter than the aerodrome design characteristics specified in the terms of approval of certificate.</p> <p>(b) In showing compliance with this article, the provisions of ADR.OR.B.040 shall apply for changes requiring prior approval as determined by the competent authority. ”</p> <p>GM1-ADR.OR.C.010 — Use of the aerodrome by large aircraft</p> <p>“ELEMENTS TO BE ASSESSED</p> <p>When assessing the possibility of operation of a more demanding aircraft whose code letter is higher than the code letter of the aerodrome reference code, the aerodrome operator should, amongst other issues, assess the impact of the characteristics of the aircraft on the aerodrome, its facilities, equipment and its operation, and vice versa.</p> <p>[...]”</p>
response	<i>Noted</i>	The intent of the rule is to cover the cases of operation of aircraft with a

higher code letter at aerodromes or parts thereof. The title of the article has been amended to reflect this. The Agency has the view that such cases should require an approval by the competent authority.

comment 1275 comment by: *Blackpool Airport - BLK/EGNH*

ADR.OR.C.010 (a) : Add "except in an emergency". This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given

response *Accepted*

The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.

comment 1349 comment by: *Gatwick Airport Ltd*

(a)

Add "except in an emergency"

Justification

This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given.

response *Accepted*

The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.

comment 1405 comment by: *Brussels Airport - BRU/EBBR*

ADR.OR.C.010(b)

To add : except in an emergency.

"Subject to prior approval by the competent authority, an aerodrome operator may permit the use of the aerodrome or parts thereof by aircraft with a higher code letter than the aerodrome design characteristics specified in the terms of approval of certificate, **except in an emergency.**"

Of course the actual acceptance of an aircraft with a higher code letter than the aerodrome design characteristics in case of emergency, should be based on a safety case/study, made in advance. Therefore, I would also add a GM, e.g. GM2-ADR.OR.C.010 describing this.

response *Accepted*

The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.

comment 1712 comment by: *ECA - European Cockpit Association*

Change (a) as follows:

Subject to prior approval by the competent authority **and assessed by**

	<p>LRST, an aerodrome operator may permit the use of the aerodrome or parts thereof by aircraft with a higher code letter than the aerodrome design characteristics specified in the terms of approval of certificate.</p> <p>Justification: LRST (which includes local pilots' associations) should assess any consequence of larger aircraft than the ones used for certification on safety before permit is granted by authority.</p>
response	<p><i>Noted</i></p> <p>The application of this requirement is linked to the requirement ADR.OR.B.45 which requires a coordinated safety assessment, with the participation of all affected parties.</p>
comment	<p>1743 comment by: CAA Norway</p> <p>We suggest to insert text in ADR.OR.C.010 (a) to clarify that if a larger aircraft declares an emergency, it will not need the prior approval of the competent authority before permission to land is given.</p>
response	<p><i>Accepted</i></p> <p>The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.</p>
comment	<p>1963 comment by: London Luton Airport Operations Ltd</p> <p>This needs to reflect that emergency situations are exempt.</p>
response	<p><i>Accepted</i></p> <p>The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.</p>
comment	<p>2040 comment by: Airport Operators Association</p> <p>ADR.OR.C.010 (a) Add "except in an emergency" after the word "authority," in line 1 Justification - This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given.</p>
response	<p><i>Accepted</i></p> <p>The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.</p>
comment	<p>2115 comment by: AIRBUS</p> <p>Please replace the title and (a) by:</p> <p>ADR.OR.C.010 – Use of the aerodrome by a more demanding aircraft</p>

(a) Subject to prior approval by the competent authority, an aerodrome operator may permit the use of the aerodrome or parts thereof by **a more demanding aircraft with a higher code letter than the reference aircraft of the aerodrome design characteristics** specified in the terms of approval of certificate.

Rationale: Some aircraft can represent a challenge to specific aerodromes without being "large".

An aircraft with the same code letter than the reference aircraft but different characteristics can also represent a challenge to specific aerodromes.

response *Noted*

The intent of the rule is to cover the cases of operation of aircraft with a higher code letter at aerodromes or parts thereof. The title of the article has been amended to reflect this.

comment

2366

comment by: *Ministry of Infrastructure and Agriculture of Brandenburg*

Concerning requirement ADR.OR.C.010 (a) a Standard Operating Procedure (SOP) for Aircraft is applicable with reference to the approved and to be certified Aerodrome Code on basis of the approval regulation and particularly specified procedure by the Aerodrome Operator. In accordance to Part BII Subpart C GM1-ADR.OR.C.010 a supplement is defined on with privileges the Aerodrome Operator is able to extend that operating procedure due to an Aerodrome Coding adaption for higher demand (exceptional case).

ADR.OR.C.010 (b) presents a general link to ADR.OR.B040 (Change of approval certificate). No criteria are defined to the exceptional case, when the procedure has to adapt the Aerodrome Coding. Some details provide criteria, when to start a change of certificate procedure (facilities, equipment etc.), but no definition is given to separate it from the authorities tolerable, exceptional case.

It is easier for the authorities and it is much more profitable to the Aerodrome Operator to establish such kind of adapting operation procedure in compliance of a basis/general regulation plus the operator's own decision, but risks and alarming situations can not be ruled out, completely.

From our point of view, those exceptional cases in aerodrome operation shall not pass the permitted Aerodrome Coding without the right to intervene. The single case has to be approved by the authorities, because of the estimation and huge consequences.

As an alternative, we are recommending, that ADR.OR.C.010 is in favour to define as a requirement for exceptional cases. Those requirements can provide special terms of restriction, i.e. considerations in special fields as aerodrome planning and main changes in operation took place, versus a clear word to withhold in any additional national regulation or ruling.

response	<i>Noted</i>
	The Agency has the view that the case of operation of a higher code letter aircraft should be assessed and mitigated accordingly, while this should require a competent authority approval.
comment	2415 comment by: <i>Dublin Airport Authority</i>
	Prior approval should not be required when an emergency has been declared.
response	<i>Accepted</i>
	The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.
comment	2528 comment by: <i>Shannon Airport</i>
	Add: "except in an emergency" – this will clarify that during declared emergencies, prior approval will not be required from the competent authority before permission to land is given.
response	<i>Accepted</i>
	The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.
comment	2552 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i>
	<p>The word "large aircraft" is not appropriate (even ICAO Circular 305 states that a "NLA" is a "new larger aircraft", but "larger" is a generic word and can mean "longer", "more stringent"). Consequently, the word "large" is not really adequate for the subject and for a regulation: it is proposed to use "more demanding aircraft" as used in other IRs of the NPA and in the Explanatory Note, in paragraph 47 (page 12).</p> <p>Linked with the point above, the reference to code letter is not relevant because does not cover all the cases : the code letter only refers to the wing span and the outer main gear wheel span, but the aircraft can be more demanding because of its length (example for the location of holding positions). The terms of approval of the certificate do not mention the "aerodrome design characteristics" but the "more demanding aircrafts".</p> <p>Moreover, the use by more demanding aeroplanes is managed through the management of changes, for which the competent authority only approves the significant changes. We can imagine the aerodrome already has some taxiways adequately dimensioned to have a dedicated path for the new aircraft, and in this case, the assessment should NOT be subject to prior approval by the competent authority. As this is already dealt with by the IRs on the management of changes, we propose to delete the reference to the prior approval.</p> <p>Consequently, it is proposed to modify ADR-OR.C.010 as follows :</p> <p>"ADR-OR.C.010 – Use of the aerodrome by large more demanding aircraft</p> <p>(a) Subject to prior approval by the competent authority, an aerodrome</p>

*operator may permit the use of the aerodrome or parts thereof by a **more demanding** aircraft ~~with a higher code letter than~~ **the one(s) used to design** the aerodrome **design characteristics and** specified in the terms of approval of the certificate."*

response *Noted*

The intent of the rule is to cover the cases of operation of aircraft with a higher code letter at aerodromes or parts thereof. The title of the article has been amended to reflect this. The Agency has the view that such cases should require an approval by the competent authority.

comment 2622 *comment by: Infratil Airports Europe Ltd*

Page No: 46

Paragraph No: ADR.OR.C.010 (a)

Comment IAEL supports the use of aerodromes by larger aircraft.

response *Noted*

comment 2670 *comment by: HIA - Highlands and Islands Airports Limited*
C.010 (a) Add 'except in an emergency'

response *Accepted*

The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.

comment 2710 *comment by: LJL Airport - Liverpool John Lennon Airport*

ADR.OR.C.010 (a)	Add "except in an emergency"	This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given.
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response *Accepted*

The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.

comment 2740 *comment by: Aberdeen Airport Airside Operations*
(a) - Add "except in an emergency"

This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission is given to land

response *Accepted*

The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.

comment	<p>2911 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(a) Add "except in an emergency"</p> <p>Justification: This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given.</p>
response	<p><i>Accepted</i></p> <p>The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.</p>
comment	<p>2996 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.C.010 (a)</p> <p>Add "except in an emergency"</p> <p>This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given.</p>
response	<p><i>Accepted</i></p> <p>The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.</p>
comment	<p>3154 comment by: <i>Isavia</i></p> <p>ADR.OR.C.010 (a). Add "except in an emergency". This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given.</p>
response	<p><i>Accepted</i></p> <p>The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.</p>
comment	<p>3262 comment by: <i>London Biggin Hill Airport</i></p> <p>ADR.OR.C.010(a) Add "except ia an emergency" This clarifies that if a larger aircraft declares an emergency then it will not need the prior approval of the competent authority before permission to land is given.</p>
response	<p><i>Accepted</i></p> <p>The case of emergencies is specifically mentioned in the Basic Regulation, so the relevant text has been amended accordingly.</p>
comment	<p>3414 comment by: <i>pandrade</i></p> <p>ADR.OR.C010</p> <p>I propose to eliminate do to different reasons:</p> <p>1 - The pilot as the responsability for landing in one aerodrome not the aerodrome operator. At the AIP the pilot and the company of the aircraft</p>

can see all the characteristics of the aerodrome. They take the decision of using or not one aerodrome.

2 - Neither the aerodrome operator nor the Director of the aerodrome can be obliged to know the code letters of all the aircrafts

3 - The aerodrome operator when is informed that an aircraft is coming to his aerodrome, even if he know that has an higher letter than the aerodrome design characteristics, as no time to ask to the competent authority approval for using the aerodrome.

response *Noted*

This requirement is based on Section D of Annex Va of the Basic Regulation.

Relevant information should be provided in the AIP, for aircraft operators to consult.

The intent of the rules is deal with operations of higher code letter aircraft and to have a permanent approval issued, rather than issuing individual approvals for every operation.

ANNEX II - Part-OR - ADR.OR.C.015 — Access

p. 46

comment 121 comment by: Flughafen Düsseldorf GmbH

ADR.OR.C.015 — Access REV

For the purpose of determining compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules, an aerodrome operator or provider of apron management services shall grant access to [g1] any person authorised by the competent authority, to:

[g1]Vorankündigung mit Frist? Nur, soweit „erforderlich“!

response *Noted*

The intent of the rule is not to define what is the required prior notification period, but to establish a general requirement to grant access to the competent authority.

comment 122 comment by: Flughafen Düsseldorf GmbH

(b) (b) perform or witness any action, inspection, test, assessment or exercise the competent authority finds is necessary[g1] .

[g1]Nur, wenn objektiv notwendig!

response *Noted*

The competent authority should be given full access to perform their duties as necessary.

comment 969 comment by: Flughafen Düsseldorf GmbH

	Hier muss durch eine geeignete Formulierung deutlich werden, dass die Art und Weise, wie der Zugang gewährt wird, flexibel gestaltet werden kann.
response	<i>Noted</i>
comment	<p>990 comment by: <i>MST / STR - Stuttgart Airport</i></p> <p>Zu Teil (a) und (b):</p> <ul style="list-style-type: none"> • "finds is necessary" ist viel zu subjektiv und damit definitiv kein geeignetes Kriterium! Hier sollte wenigstens das Kriterium der „Erforderlichkeit“ implementiert werden, um willkürliche Aktionen auszuschließen (letztlich wäre dies Ausprägung des Grundsatzes der Verhältnismäßigkeit). "finds is necessary" ist zudem viel zu unbestimmt. • Die Rechte der Behörde beziehen sich nicht nur auf alle Unterlagen (ohne dass dies irgendwie begrenzt wäre), sondern es ist auch geregelt, dass die Behörde <u>jede Art von Maßnahme</u> durchführen (bzw. durch Dritte durchführen lassen) kann, die sie für notwendig hält. Das sollte unbedingt eingeschränkt werden, da dies enormen Aufwand verursachen wird. • Zudem ist völlig unklar, wie dies mit anderen rechtlichen Vorschriften korrespondiert, vor allem im Hinblick auf die Vertraulichkeit? Vor allem dann, wenn die Behörde Dritte (gewissermaßen als Erfüllungsgehilfen einsetzt). Wie werden die legitimen Interessen des Flughafenbetreibers geschützt? • Demnach sollte geregelt werden, dass die Behörde (1) zunächst die Erforderlichkeit darlegen muss und (2) der Flughafenbetreiber die Möglichkeit haben muss, aus berechtigten Gründen der Vertraulichkeit Unterlagen geheim zu halten. Eine Art "allumfassendes globales Auditrecht" ist nicht verhältnismäßig. Insbesondere findet sich ein solches auch nicht in anderen Branchen bzw. dem industriellen Umfeld.
response	<p><i>Noted</i></p> <p>The competent authority should be given full access to perform their duties as necessary.</p>
comment	<p>1323 comment by: <i>Cologne/Bonn Airport</i></p> <p>add "appropriate" after "shall grant"</p>
response	<p><i>Noted</i></p> <p>The competent authority should be given full access to perform their duties as necessary.</p>

comment	1811	comment by: UK CAA
	Page No: 46	
	Paragraph No: ADR.OR.C.015(b)	
	Comment: The requirements in ADR.OR.C.015 are similar to those found in IRs already agreed for Aircrew and Operations, in particular ORA.GEN.140 and ORO.GEN.140, but the text at (b) is new. This difference should be justified or resolved. The UK supports this clause but asks why it has been included here but not in other domains, and so seeks to understand why similar text has not been included in other domains.	
	Justification: The UK CAA supports using consistent provisions in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified.	
response	<i>Noted</i>	
	Although effort was made to establish harmonised text in all areas, differences in texts exist, to a certain extent, due to the specific nature of each area.	
comment	2302	comment by: Munich Airport International
	Add „appropriate“ after „shall grant“	
response	<i>Noted</i>	
	The competent authority should be given full access to perform their duties as necessary.	
comment	2885	comment by: IDRF e.V. (association of regional airports)
	letter (b) is indiscriminately, even an authority has to justify her action taken.	
response	<i>Noted</i>	
	Such access is to be given for assessing continued compliance of the aerodrome operator with the applicable requirements.	
comment	2887	comment by: SWISS AERODROMES ASSOCIATION
	The requirements of data protection should apply and limit the access to public spaces and data. The aerodrome operator must keep its authority and decisional competence. For investigation going beyond this point, the ordinary legal system should apply.	
response	<i>Noted</i>	
	Such access is to be given for assessing continued compliance of the aerodrome operator with the applicable requirements.	
comment	3361	comment by: ADV -German Airports Association
	ADR.OR.C015	

response	<p>Add „appropriate“ after „shall grant“</p> <p><i>Noted</i></p> <p>The competent authority should be given full access to perform their duties as necessary.</p>
comment	<p>3375 comment by: <i>MST / STR - Stuttgart Airport</i></p> <p>ADR.OR.C015 Add „appropriate“ after „shall grant“</p>
response	<p><i>Noted</i></p> <p>The competent authority should be given full access to perform their duties as necessary.</p>
comment	<p>3480 comment by: <i>Fraport AG</i></p> <p>ADR.OR.C.015 - Access</p> <p>Editorial</p> <p>For the purpose of determining compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules, an aerodrome operator or provider of apron management services shall grant access to any person authorised by the competent authority, to:</p> <p>Proposed Text For the purpose of determining compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules, an aerodrome operator or provider of apron management services shall grant appropriate access to any person authorised by the competent authority, to:</p> <p>Fraport AG: Access has to regulated, otherwise subparagraph (b) will open an inadequate opportunity to the authority checking not to the</p>
response	<p><i>Noted</i></p> <p>The competent authority should be given full access to perform their duties as necessary.</p>

ANNEX II - Part-OR - ADR.OR.C.020 – Findings and corrective actions	p. 46
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comment	<p>697 comment by: <i>Zürich Airport</i></p> <p>cahnge; (a) identify the root cause of the finding; (b) define a corrective action plan; and (c) demonstrate the corrective action implementation to the satisfaction of the competent authority within the period agreed with that authority as</p>
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	defined in ADR.AR.C.055(d).
	to; (a) identify the root cause of the finding; (b) define a corrective action acc. ALARP principle (c) demonstrate the corrective action implementation
response	<i>Not accepted</i> The demonstration of the corrective actions has to be made to the competent authority for it to evaluate the corrective actions as satisfactory. Such demonstration should be done within the agreed time period.
comment	851 comment by: <i>Union des Aéroports français - UAF</i> Attachment #188 UAF NPA 2011-20 (B.I) ADR.OR.C.020 Référence: ADR.OR.C.020 Findings and corrective actions Traduction de courtoisie The term "findings" is too general, it should refer only to "findings" referred to ADR-AR-C .055.
response	<i>Noted</i> The Agency has reviewed the text of the relevant requirement and it was found to be adequately clear.
comment	1140 comment by: <i>ADP : Aeroports de Paris</i> Référence: ADR.OR.C.020 Findings and corrective actions Proposition/commentaire Le terme « findings » est trop général, il faudrait faire uniquement référence aux« findings » mentionnés à l'ADR-AR-C.055. Justification Traduction de courtoisie The term "findings" is too general, it should refer only to "findings" referred to ADR-AR-C .055.
response	<i>Noted</i> The Agency has reviewed the text of the relevant requirement and it was found to be adequately clear.
comment	1199 comment by: <i>Swedish Regional Airport Association</i> For the aerodrome is the operative solution often the same every time. Can this be issued for a special aircraft type and a number of movements per year to avoid multiple applications and approvals? If yes, specify so.

response	<p><i>Noted</i></p> <p>The Agency understands that this comment is related to ADR.OR.C.010, whose intent is indeed to cover such cases.</p>
comment	<p>1587 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #189</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.C.020</p> <p>Référence: ADR.OR.C.020 Findings and corrective actions</p> <p>Traduction de courtoisie The term "findings" is too general, it should refer only to "findings" referred to ADR-AR-C .055.</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the text of the relevant requirement and it was found to be adequately clear.</p>
comment	<p>1967 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>The term "findings" is too general, it should refer only to "findings" referred to ADR-AR-C .055.</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the text of the relevant requirement and it was found to be adequately clear.</p>
comment	<p>2172 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #190</p> <p>UAF NPA 2011-20 (B.I) ADR.OR.C.020</p> <p>Référence: ADR.OR.C.020 Findings and corrective actions</p> <p>Traduction de courtoisie The term "findings" is too general, it should refer only to "findings" referred to ADR-AR-C .055.</p>
response	<p><i>Noted</i></p> <p>The Agency has reviewed the text of the relevant requirement and it was found to be adequately clear.</p>
comment	<p>2219 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #191</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OR.C.020</p>

	Référence: ADR.OR.C.020 Findings and corrective actions
	Traduction de courtoisie The term "findings" is too general, it should refer only to "findings" referred to ADR-AR-C .055.
response	<i>Noted</i> The Agency has reviewed the text of the relevant requirement and it was found to be adequately clear.

comment	2390 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i> The term "findings" is too general, it should refer only to "findings" referred to ADR-AR-C .055.
response	<i>Noted</i> The Agency has reviewed the text of the relevant requirement and it was found to be adequately clear.

comment	2941 comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>								
	<table border="1"> <tr> <td>Référence: ADR.OR.C.020</td> <td>Findings and corrective actions</td> </tr> <tr> <td>Proposition/commentaire</td> <td>Le terme « findings » est trop général, il faudrait faire uniquement référence aux« findings » mentionnés à l'ADR-AR-C.055.</td> </tr> <tr> <td>Justification</td> <td></td> </tr> <tr> <td>Traduction de courtoisie</td> <td>The term "findings" is too general, it should refer only to "findings" referred to ADR-AR-C .055.</td> </tr> </table>	Référence: ADR.OR.C.020	Findings and corrective actions	Proposition/commentaire	Le terme « findings » est trop général, il faudrait faire uniquement référence aux« findings » mentionnés à l'ADR-AR-C.055.	Justification		Traduction de courtoisie	The term "findings" is too general, it should refer only to "findings" referred to ADR-AR-C .055.
Référence: ADR.OR.C.020	Findings and corrective actions								
Proposition/commentaire	Le terme « findings » est trop général, il faudrait faire uniquement référence aux« findings » mentionnés à l'ADR-AR-C.055.								
Justification									
Traduction de courtoisie	The term "findings" is too general, it should refer only to "findings" referred to ADR-AR-C .055.								
response	<i>Noted</i> The Agency has reviewed the text of the relevant requirement and it was found to be adequately clear.								

ANNEX II - Part-OR - ADR.OR.C.025 – Immediate reaction to a safety problem – Compliance with safety directives

p. 47

comment	2822 comment by: <i>Flughafen Klagenfurt</i> (e) what means relevant? Definition is needed
response	<i>Noted</i> If the comment is on article ADR.OR.C.030 paragraph (e), then the Agency has the view that the text is adequately clear. In fact, the words,

"where relevant" in the beginning of the paragraph have the meaning that the whole paragraph becomes applicable, if there is a need to produce a follow-up report.

ANNEX II - Part-OR - ADR.OR.C.030 – Occurrence reporting

p. 47

comment	10	comment by: <i>airsight GmbH</i>
	(b) could lead to a tremendous amount of reports way beyond the possible intention	
response	<i>Noted</i>	
	Given the definition of aerodrome equipment, the Agency has the view that is necessary to provide feedback to the designer of the aerodrome equipment.	
comment	36	comment by: <i>ACI EUROPE - Airports Council International</i>
	Move (b) to an AMC and if not possible to GM	
	Justification: does not qualify for an IR.	
response	<i>Not accepted</i>	
	Such requirements should be at implementing rule level, because they introduce an obligation to the regulated organisations. In addition, it is necessary to provide feedback to the designer of the aerodrome equipment, given the definition of aerodrome equipment	
comment	37	comment by: <i>ACI EUROPE - Airports Council International</i>
	(e) delete "estbalished" and replace by "agreed with"	
response	<i>Not accepted</i>	
	The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.	
comment	123	comment by: <i>Flughafen Düsseldorf GmbH</i>
	(b) Without prejudice to paragraph (a) the operator shall report to the competent authority <u>and to the organisation responsible for the design of aerodrome equipment [g1]</u> any incident, malfunction, technical defect, exceeding of technical limitations,	
	<u>[g1]</u> Welche Organisation soll das sein?	
response	<i>Noted</i>	
	The organisation to which the report should be sent depends on each equipment.	

comment	128	comment by: CAA Norway
	We suggest to delete the last sentence in ADR.OR.C.030(e) on page 47. The competent authority should not establish the form and manner for follow-up reports.	
response	<i>Not accepted</i>	
	The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.	
comment	140	comment by: Zürich Airport
	in (e) the term "relevant" must be defined as well as who s deciding what is relevant or not	
response	<i>Noted</i>	
	The words, "where relevant" in the beginning of the paragraph have the meaning that the whole paragraph becomes applicable, if there is a need to produce a follow-up report.	
comment	173	comment by: CAA-NL
	In (e) please change 'established' into 'agreed with', because it is the responsibility of the aerodrome operator to produce a follow-up report.	
response	<i>Not accepted</i>	
	The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.	
comment	220	comment by: SWISS AERODROMES ASSOCIATION
	letter (b) must be moved to GM, as there is no reason to make an IR out of it.	
	letter (c) and (e) : replace "established" by "accepted"	
response	<i>Not accepted</i>	
	The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations. Moreover, the way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted	
comment	303	comment by: BAA Airside operations
	(b) Move to AMC/GM This is too detailed for an IR.	

	<p>(e) Amend last sentence to read "form and manner agreed with the competent..." BAA believes it would be better to agree this, between the aerodrome and competent authority rather than it being established by the competent authority alone.</p>
response	<p><i>Not accepted</i></p> <p>The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations. Moreover, it is for the competent authority to define the minimum type of information to be contained in such reports and the manner to be submitted.</p>
comment	<p>354 comment by: <i>Danish Transport Authority</i></p> <p>The Aerodrome operator should not report incidents to the organisation responsible for the design of aerodrome equipment. We suggest to move it to GM. (c) and (e). The competent authority should not establish the form and manner for follow-up reports. Move the subjects to AMC or to GM.</p>
response	<p><i>Not accepted</i></p> <p>It is necessary to provide feedback to the designer of the aerodrome equipment, given the definition of an aerodrome equipment. Moreover, these kind of requirements should be at implementing rule level, because it introduces an obligation to the regulated organisations. Finally, the way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports and the manner to be submitted.</p>
comment	<p>403 comment by: <i>Edinburgh Airport</i></p> <p>ADR.OR.C.030 (b) Move to AMC/GM Justification - This is too detailed for an IR.</p>
response	<p><i>Not accepted</i></p> <p>The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations.</p>
comment	<p>405 comment by: <i>Edinburgh Airport</i></p> <p>ADR.OR.C.030 (e) Amend last sentence to read "form and manner agreed with the competent..." Justification - Edinburgh Airport thinks it would be better to agree this, between the aerodrome and competent authority rather than being established by the competent authority alone.</p>
response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p>

comment	406 comment by: <i>Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)</i>
	<p>(b) Move to GM, specially in relation to (d)</p> <p>(e) Amend last sentence to read "form and manner agreed with the competent...".AAS believes it would be better to agree this, between the aerodrome and competent authority rather than it being established by the competent authority alone.</p>
response	<p><i>Not accepted</i></p> <p>The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations. Moreover, the way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports and the manner to be submitted.</p>
comment	464 comment by: <i>Avinor</i> ADR.OR.C.030 (b). Move (b) to an AMC and if not possible to GM. Too wide for an IR.
response	<p><i>Not accepted</i></p> <p>The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations.</p>
comment	465 comment by: <i>Avinor</i> ADR.OR.C.030 (e). Delete "established" and replace it with "agreed with".
response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p>
comment	516 comment by: <i>Icelandic Civil Aviation Administration</i> ADR.OR.C.030 (b) on page 47: The Aerodrome operator should not report incidents to the organisation responsible for the design of aerodrome equipment. We suggest to move it to GM.
response	<p><i>Not accepted</i></p> <p>The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations.</p>

comment	517	comment by: <i>Icelandic Civil Aviation Administration</i>
	We suggest to delete the last sentence in ADR.OR.C.030(e) on page 47. The competent authority should not establish the form and manner for follow-up reports.	
response	<i>Not accepted</i>	
	The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.	
comment	548	comment by: <i>Estonian CAA</i>
	ADR.OR.C.030 (b) on page 47: The Aerodrome operator should not report incidents to the organisation responsible for the design of aerodrome equipment. We suggest to move it to GM.	
response	<i>Not accepted</i>	
	The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations.	
comment	549	comment by: <i>Estonian CAA</i>
	We suggest to delete the last sentence in ADR.OR.C.030(e) on page 47. The competent authority should not establish the form and manner for follow-up reports.	
response	<i>Not accepted</i>	
	The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.	
comment	583	comment by: <i>Belfast International Airport - BFS/EGAA</i>
	(e) Amend last sentence to read "form and manner agreed with the competent...". This should be agreed between the aerodrome and competent authority	
response	<i>Not accepted</i>	
	The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.	
comment	592	comment by: <i>Flughafen Düsseldorf GmbH</i>
	b) Dieser Abschnitt ist viel zu detailliert und sollte in den Bereich der AMCs verschoben werden. Wenn das nicht möglich ist, sind diese Inhalte in das GM zu verschieben.	

	<p>Es stellt sich grundsätzlich die Frage, ob es sich hier um eine Erweiterung der bisherigen Praxis handelt? Der Aufwand muss überschaubar bleiben.</p> <p>e) Der Begriff "established" sollte durch "agreed with" ersetzt werden, um hier mehr Handlungsspielraum zu haben.</p>
response	<p><i>Noted</i></p> <p>The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations. Moreover, the way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports and the manner to be submitted.</p>
comment	<p>604 comment by: <i>Vienna International Airport</i></p> <p>(e) what means relevant? Definition needed</p>
response	<p><i>Noted</i></p> <p>The words, "where relevant" in the beginning of the paragraph have the meaning that the whole paragraph becomes applicable, if there is a need to produce a follow-up report.</p>
comment	<p>750 comment by: <i>Finnish Transport Safety Agency</i></p> <p>We suggest to delete the last sentence in ADR.OR.C.030(e) on page 47. The competent authority should not establish the form and manner for follow-up reports.</p>
response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p>
comment	<p>782 comment by: <i>Airport Nuremberg - NUE/EDDN</i></p> <p>Since paragraph (a) already deals with occurrence reporting to a larger extent, paragraph (b) to (e) are of a more explanatory manner and should therefore be moved to an AMC or Guidance Material.</p>
response	<p><i>Noted</i></p> <p>The requirements contained in paragraph (b) to (e) are not the same as those contained in paragraph (a). In addition, because they introduce different obligations to regulated organisations, they cannot become an AMC or GM to an implementing rule which deals with different issues.</p>
comment	<p>853 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #192</p>

	UAF	NPA	2011-20	(B.I)	ADR.OR.C.030	(b)
	<p>Référence: ADR.OR.C.030 (b) "Without prejudice to paragraph (a) the operator shall report to the competent authority and to the organisation responsible for the design of aerodrome equipment any incident, malfunction, technical defect, exceeding of technical limitations, occurrence or other irregular circumstance that has or may have endangered safety and that has not resulted in an accident or serious incident."</p> <p>Traduction de courtoisie This paragraph (removing "without prejudice to paragraph (a)") should be an AMC or a guidance materiel (GM) as it falls completely under paragraph (a).</p>					
response	<p><i>Not accepted</i></p> <p>The requirements contained in paragraph (b) are different from those contained in paragraph (a), in that the organisation that receives the report and the conditions under which the report has to be made, are different. Therefore paragraph (b) cannot be AMC or GM to paragraph (a).</p>					
comment	<p>854 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #193</p>					
	UAF	NPA	2011-20	(B.I)	ADR.OR.C.030	(d)
	<p>Référence: ADR.OR.C.030 (d) "Reports shall be made as soon as practicable, but in any case within 72 hours of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates, unless exceptional circumstances prevent this."</p> <p>Traduction de courtoisie The 72-hour period is too low to be sure that the event report can be always performed. We propose to delete this reference of time.</p>					
response	<p><i>Not accepted</i></p> <p>The Agency has the view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours. Finally the report submitted within this timeframe, is not expected to include an analysis of the event.</p>					
comment	<p>856 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #194</p>					
	UAF	NPA	2011-20	(B.I)	ADR.OR.C.030	(e)
	<p>Référence: ADR.OR.C.030 (e) "Where relevant, the aerodrome operator or the provider of apron</p>					

management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by the competent authority".

Traduction de courtoisie
Should be amended as follows: "Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by agreed with the competent authority".
For more flexibility and to respond better to the various scenarios, the aerodrome operator should be able to offer his/her own form and manner provided that it is accepted by the competent authority.

response *Not accepted*

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment 998 comment by: *MST / STR - Stuttgart Airport*

- Die Meldepflicht der Flughafenbetreiber wird deutlich ausgeweitet! Mit welcher Begründung?
- Zudem wird ein "follow-up report" vorgesehen. Diese Regelung wird der tatsächlichen Situation in der Praxis nicht gerecht, da der Flughafenbetreiber gerade nicht in allen Fällen verantwortlich ist.
- Fazit: Vor allem Abschnitt (b) geht zu weit, da zu unbestimmt ("any"...., that may have...."). Wie soll hier eine vernünftige Abgrenzung möglich sein? Vgl. insofern bereits die Ausführungen zu "changes" in OR.B.040 und OR.B.045 oben.

response *Noted*

The Agency does not share the view that the reporting requirements for aerodrome operators are significantly expanded. In addition, given the definition of aerodrome equipment, it is necessary to provide feedback to the designer of the aerodrome equipment.

comment 1031 comment by: *Dublin Airport Authority*

Ref (a)

This is too detailed for an Implementing Rule and should be moved to Guidance Material or an Acceptable Means of Compliance.

Ref (e)

Amend text to read: "form and manner agreed with the competent authority" – It would be more appropriate if the reporting format was

agreed between the aerodrome operator and the competent authority.”

response *Noted*

The requirement of paragraph (a) should be at implementing rule level, because it introduces an obligation to the regulated organisations. Moreover, the way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment **1084** comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.C.030 (b)	Move to AMC/GM	This is too detailed for an IR.
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response *Noted*

The requirement of paragraph (a) should be at implementing rule level, because it introduces an obligation to the regulated organisations.

comment **1085** comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.C.030 (e)	Amend last sentence to read “form and manner agreed with the competent...”	Bristol Airport believes it would be better to agree this, between the aerodrome and competent authority rather than it being established by the competent authority alone.
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response *Not accepted*

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment **1142** comment by: *ADP : Aeroports de Paris*

Référence: ADR.OR.C.030 (b)

“Without prejudice to paragraph (a) the operator shall report to the competent authority and to the organisation responsible for the design of aerodrome equipment any incident, malfunction, technical defect, exceeding of technical limitations, occurrence or other irregular circumstance that has or may have endangered safety and that has not resulted in an accident or serious incident.”

Proposition/commentaire

Ce paragraphe (en enlevant « without prejudice to paragraph (a) ») devrait être une AMC voire un élément informatif (GM) car il s’inscrit complètement dans le cadre du paragraphe (a).

	<p>Justification</p> <p>Traduction de courtoisie This paragraph (removing "without prejudice to paragraph (a)") should be an AMC or a guidance materiel (GM) as it falls completely under paragraph (a).</p>
response	<p><i>Not accepted</i></p> <p>The requirements contained in paragraph (b) are different from those contained in paragraph (a), in that the organisation that receives the report and the conditions under which the report has to be made, are different. Therefore paragraph (b) cannot be AMC or GM to paragraph (a).</p>
comment	<p>1143 comment by: ADP : Aeroports de Paris</p> <p>Référence: ADR.OR.C.030 (d) "Reports shall be made as soon as practicable, but in any case within 72 hours of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates, unless exceptional circumstances prevent this."</p> <p>Proposition/commentaire La période de 72 heures est trop faible pour être sûr que le rapport d'évènement puisse être toujours effectué.</p> <p>Nous proposons de supprimer cette référence de temps.</p> <p>Justification</p> <p>Traduction de courtoisie The 72-hour period is too low to be sure that the event report can be always performed.</p> <p>We propose to delete this reference of time.</p>
response	<p><i>Not accepted</i></p> <p>The Agency has the view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours. Finally the report submitted within this timeframe, is not expected to include an analysis of the event.</p>

comment

1145

comment by: ADP : Aeroports de Paris

"Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by the competent authority".

Il convient de modifier de la manière suivante: "Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by **agreed with** the competent authority".

Justification

Pour davantage de flexibilité et pour répondre le mieux possible aux différents cas de figure l'exploitant d'aérodrome devrait pouvoir proposer une forme et une manière propre sous condition bien sûr que cela soit accepté par l'autorité compétente.

Should be amended as follows: "Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by **agreed with** the competent authority".

For more flexibility and to respond better to the various scenarios, the aerodrome operator should be able to offer his/her own form and manner provided that it is accepted by the competent authority.

Traduction de courtoisie

Proposition/commentaire

Référence: ADR.OR.C.030 (e)

response

Not accepted

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment

1200

comment by: Swedish Regional Airport Association

	A follow up report shall be provided to the competent authority on the competent authority's request.
response	<p><i>Noted</i></p> <p>The wording of the draft rule does not prevent this from happening.</p>
comment	<p>1234 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX II - Part-OR - ADR.OR.C.030 (c) and (e) - Occurrence reporting (p47) <p><u>2. Justification and proposed text / comment</u></p> <p>The above mentioned paragraphs require the aerodrome operator and the apron management services to report to the competent authority occurrences and their follow-up "in a form and manner established by the competent authority". This is too restrictive in so far as some operators may choose to use an IT system, some others to provide forms.... The choice will be made in accordance of the size and complexity of the operator system.</p> <p>The issue for the competent authority is to be sure that all relevant safety data will be sent.</p> <p>Therefore DGAC proposes:</p> <p>ADR.OR.C.030 – Occurrence reporting</p> <p>" [...]</p> <p>(c) Without prejudice to Regulation (EU) No 996/2010 and Directive 2003/42/EC, the reports referred to in paragraphs (a) and (b) shall be made in a form and manner established agreed by the competent authority and contain all pertinent information about the condition known to the aerodrome operator or the provider of apron management services.</p> <p>(d) [...]</p> <p>(e) Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established agreed by the competent authority."</p>
response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p>
comment	<p>1237 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX II - Part-OR - ADR.OR.C.030 (d) - Occurrence reporting

(p47)

2. Justification and proposed text / comment

The above mentioned paragraph requires the aerodrome operator and the apron management services to report occurrences to the competent authority "as soon as practicable, but in any case within 72 hours of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates, unless exceptional circumstances prevent this".

From time to time, an incident report may be amended, checked or corrected before it is processed by the internal reporting system. The aim is to ensure that the report mentions as much information as possible for a pertinent safety assessment and to avoid any misinterpretation of the incident.

From an authority's point of view, finalized data are preferred to raw data that are subject to further modifications. Therefore, DGAC has introduced requirements in its national regulation transposing directive 2003/42 that allows operators to send reports more than 72 hours after the occurrence provided that a protocol establishing the extended delay has been signed with the authority. This solution has shown good results.

Moreover, and according to Regulation 996/2010 - article 9, the authority receives notification of accidents and serious incidents without delay through the safety investigation authority.

Therefore DGAC proposes:

ADR.OR.C.030 – Occurrence reporting

" [...]

(d) Reports shall be made as soon as practicable, but in any case within 72 hours of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates, unless a formal agreement establishing an extended delay has been signed with the competent authority or if exceptional circumstances prevent this.

[...]"

response *Not accepted*

The Agency has the view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours. Finally the report submitted within this timeframe, is not expected to include an analysis of the event.

comment

1238

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX II - Part-OR - ADR.OR.C.030 - Occurrence reporting (p47)

2. Justification and proposed text / comment

Paragraph ADR.OR.D.030 describes the characteristics of a safety reporting system established by an aerodrome operator. ADR.OR.D.030 (d) particularly mentions analyses, assessments or investigations reports produced as outcomes of this system. Those outcomes are not required to be reported to the competent authority while they could be very useful in two ways:

- they could be used as evidence to check the efficiency of the operator SMS.
- they could be used in the framework of the State Safety Programme and the lessons learned could be disseminated if they are of interest for other operators.

In France, such a requirement has been included in the legislation since 2004 for ATM occurrences and 2007 for all types of incidents. This principle is in line with our main State Safety Programme (SSP) orientation for an efficient partnership between authority's SSP and operators' SMS.

Therefore DGAC proposes to add a sub paragraph (f) at the end of ADR.OR.C.030:

ADR.OR.C.030 – Occurrence reporting

" [...]

(f) Where relevant, the aerodrome operator or the provider of the apron management services shall report to the competent authority the outcome of the analyses and investigations carried out in accordance with ADR.OR.D.030 within four months of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates."

response *Not accepted*

The Agency has the view that the draft rule should provide enough flexibility for both the regulated organisation and the competent authority with regard to the production of follow-up reports.

comment *1325* comment by: *Cologne/Bonn Airport*

move to AMC; too wide for an IR

response *Not accepted*

Reporting requirements cannot be at AMC level, without a relevant implementing rule in place.

comment *1352* comment by: *Federal Office of Civil Aviation FOCA*

ADR.OR.C.030 (e): The competent authority should not establish the form and manner for follow-up reports. This is the sole responsibility of the aerodrome. FOCA suggests the wording "This report shall be produced in a form and manner acceptable to the competent authority". The wording would also be in line with the ICAO standard regarding "acceptance" of SMS (and it's outputs).

	<p>ADR.OR.C.030 (c) - Occurrence reporting: replace "established by" with "agreed with". This wording allows for more flexibility.</p> <p>ADR.OR.C.030 (e) - Occurrence reporting: replace "established by" with "agreed with". This wording allows for more flexibility.</p>
response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p>
comment	<p>1353 comment by: <i>Gatwick Airport Ltd</i></p> <p>(b)</p> <p>Move to AMC/GM</p> <p>Justification</p> <p>This is too detailed for an IR.</p> <p>(e)</p> <p>Amend last sentence to read "form and manner agreed with the competent..."</p> <p>Justification</p> <p>London Gatwick believes it would be better to agree this, between the aerodrome and competent authority rather than it being established by the competent authority alone.</p>
response	<p><i>Noted</i></p> <p>The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations. Moreover, the way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p>
comment	<p>1413 comment by: <i>Salzburger Flughafen GmbH</i></p> <p>(e) what means relevant? Definition needed</p>
response	<p><i>Noted</i></p> <p>The words, "where relevant" in the beginning of the paragraph have the meaning that the whole paragraph becomes applicable, if there is a need to produce a follow-up report.</p>

comment	1514	comment by: <i>Flughafen Linz-Hörsching - LNZ/LOWL</i>
	(e) what means relevant? - definition is needed	
response	<i>Noted</i>	
	The words, "where relevant" in the beginning of the paragraph have the meaning that the whole paragraph becomes applicable, if there is a need to produce a follow-up report.	
comment	1588	comment by: <i>Euroairport Bâle-Mulhouse</i>
	Attachment #195	
	Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.C.030 (b)	
	Référence: ADR.OR.C.030 (b) "Without prejudice to paragraph (a) the operator shall report to the competent authority and to the organisation responsible for the design of aerodrome equipment any incident, malfunction, technical defect, exceeding of technical limitations, occurrence or other irregular circumstance that has or may have endangered safety and that has not resulted in an accident or serious incident."	
	Traduction de courtoisie This paragraph (removing "without prejudice to paragraph (a)") should be an AMC or a guidance materiel (GM) as it falls completely under paragraph (a).	
response	<i>Not accepted</i>	
	The requirements contained in paragraph (b) are different from those contained in paragraph (a), in that the organisation that receives the report and the conditions under which the report has to be made, are different. Therefore paragraph (b) cannot be AMC or GM to paragraph (a).	
comment	1589	comment by: <i>Euroairport Bâle-Mulhouse</i>
	Attachment #196	
	Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.C.030 (d)	
	Référence: ADR.OR.C.030 (d) "Reports shall be made as soon as practicable, but in any case within 72 hours of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates, unless exceptional circumstances prevent this."	
	Traduction de courtoisie The 72-hour period is too low to be sure that the event report can be always performed. We propose to delete this reference of time.	
response	<i>Not accepted</i>	
	The Agency has the view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in	

other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours. Finally the report submitted within this timeframe, is not expected to include an analysis of the event.

comment	<p>1590 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #197</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.C.030 (e)</p> <p>Référence: ADR.OR.C.030 (e)</p> <p>“Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by the competent authority”.</p> <p>Traduction de courtoisie</p> <p>Should be amended as follows: “Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by agreed with the competent authority”.</p> <p>For more flexibility and to respond better to the various scenarios, the aerodrome operator should be able to offer his/her own form and manner provided that it is accepted by the competent authority.</p>
response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p>
comment	<p>1635 comment by: <i>Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i></p> <p>(e) what means relevant? Definition needed</p>
response	<p><i>Noted</i></p> <p>The words, “where relevant” in the beginning of the paragraph have the meaning that the whole paragraph becomes applicable, if there is a need to produce a follow-up report.</p>
comment	<p>1695 comment by: <i>Swedish Transport Agency</i></p> <p>ADR.OR.C.030 (b). The Aerodrome operator should not report incidents to the organisation responsible for the design of aerodrome equipment. We suggest to move it to GM.</p>
response	<p><i>Not accepted</i></p>

Given the definition of aerodrome equipment, the Agency has the view that is necessary to provide feedback to the designer of the aerodrome equipment. Such reporting requirements, introducing obligations to regulated organisations, should be at implementing rule level.

comment 1696 comment by: *Swedish Transport Agency*
ADR.OR.C.030 (e) . We suggest to delete the last sentence in (e). The competent authority should not establish the form and manner for follow-up reports.

response *Not accepted*
The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment 1715 comment by: *Flughafen Graz Betriebs GmbH*
(e) what means relevant?
Definition needed

response *Noted*
The words, "where relevant" in the beginning of the paragraph have the meaning that the whole paragraph becomes applicable, if there is a need to produce a follow-up report.

comment 1827 comment by: *Geneva International Airport (ROMIG)*
ADR.OR.C.030 (c) (e) - Delete "established" and replace by "agreed with"
- The reporting process needs to be agreed with the aerodrome operator not established by the authority.

response *Not accepted*
The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment 1832 comment by: *Geneva International Airport (ROMIG)*
ADR.OR.C.030 (b) - Move (b) to an AMC and if not possible to GM. The scope of this article is too broad for an IR.

response *Not accepted*
Given the definition of aerodrome equipment, the Agency has the view that is necessary to provide feedback to the designer of the aerodrome equipment. Such reporting requirements, introducing obligations to regulated organisations, should be at implementing rule level.

comment	<p data-bbox="383 291 454 324">1891</p> <p data-bbox="981 291 1396 324">comment by: <i>Stansted Airport</i></p> <p data-bbox="383 347 630 380">ADR.OR.C.030 (b)</p> <p data-bbox="383 414 614 448">Move to AMC/GM</p> <p data-bbox="383 481 774 515">This is too detailed for an IR.</p>
response	<p data-bbox="383 526 566 560"><i>Not accepted</i></p> <p data-bbox="383 582 1404 750">Given the definition of aerodrome equipment, the Agency has the view that is necessary to provide feedback to the designer of the aerodrome equipment. Such reporting requirements, introducing obligations to regulated organisations, should be at implementing rule level.</p>
comment	<p data-bbox="383 840 454 873">1892</p> <p data-bbox="981 840 1396 873">comment by: <i>Stansted Airport</i></p> <p data-bbox="383 896 630 929">ADR.OR.C.030 (e)</p> <p data-bbox="383 963 1404 1030">Amend last sentence to read "form and manner agreed with the competent..."</p> <p data-bbox="383 1064 1404 1153">Stansted Airport believes it would be better to agree this, between the aerodrome and competent authority rather than it being established by the competent authority alone.</p>
response	<p data-bbox="383 1164 566 1198"><i>Not accepted</i></p> <p data-bbox="383 1232 1404 1366">The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p>
comment	<p data-bbox="383 1422 454 1456">1966</p> <p data-bbox="710 1422 1396 1456">comment by: <i>London Luton Airport Operations Ltd</i></p> <p data-bbox="383 1478 853 1512">This is far too detailed for the IR's.</p> <p data-bbox="383 1545 1404 1736">Generally in terms of what should be reported this is not definitive enough and if applied to the letter would include all incidents and occurrences of reporting and would overwhelm the competent authority and too onerous on the aerodrome operator. If it means the equivalent of a Mandatory Occurrence Report (in the U.K.) then that should be defined and stated here and that is all that is required.</p> <p data-bbox="383 1803 1404 2027">at (b) this could lead to over reporting to the competent authority as all matters relating to equipment failures on all equipment will be excessive and this should define the limits to what needs to be reported. If a system or requirement creates a situation of over reporting then ultimately this will be too onerous and the system will fail, specific levels of safety needs to be determined or a system where performance measures or KPI are indicated for reporting by the competent authority.</p>

response

Noted

The Agency does not share the view that the reporting requirements for aerodrome operators are expanded. In addition, given the definition of aerodrome equipment, the Agency has the view that is necessary to provide feedback to the designer of the aerodrome equipment.

comment

1968

comment by: *Aéroport de Marseille - MRS/LFML*

b/ This paragraph (removing "without prejudice to paragraph (a)") should be an AMC or a guidance materiel (GM) as it falls completely under paragraph (a).

d/ The 72-hour period is too low to be sure that the event report can be always performed.

We propose to delete this reference of time.

e/

Should be amended as follows: "Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by agreed with the competent authority".

For more flexibility and to respond better to the various scenarios, the aerodrome operator should be able to offer his/her own form and manner provided that it is accepted by the competent authority.

response

Not accepted

The requirements contained in paragraph (b) are different from those contained in paragraph (a), in that the organisation that receives the report and the conditions under which the report has to be made, are different. Therefore paragraph (b) cannot be AMC or GM to paragraph (a).

Moreover, the Agency has the view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours.

Finally, the Agency has the view that the way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment

1979

comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OR.C.030 (d)	"Reports shall be made as soon as practicable, but in any case within 72 hours of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates, unless exceptional circumstances prevent this."
Proposition/commentaire	La période de 72 heures est trop faible pour être sûr que le rapport d'évènement puisse être toujours effectué. Nous proposons de supprimer cette référence de temps.
Justification	Par ailleurs les aéroports équipés d'ECCAIRS ont un protocole signé leur permettant de transmettre les notifications dans un délai de 15 jours.
Traduction de courtoisie	The 72-hour period is too low to be sure that the event report can be always performed. We propose to delete this reference of time. Futhermore, some airports benefit of a two-weeks delay for transmitting their reports, thanks to an ECCAIRS protocol.

response *Not accepted*

The Agency has the view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours. Finally the report submitted within this timeframe, is not expected to include an analysis of the event.

comment	2041	comment by: <i>Airport Operators Association</i>
	ADR.OR.C.030 (b)	This should be moved to AMC/GM
	Justification	- This is too detailed for an IR.
	ADR.OR.C.030 (e)	Amend last sentence to read "form and manner agreed with the competent..."
	Justification	- AOA believes it would be better to agree this, between the aerodrome and competent authority rather than it being established by the competent authority alone.

response *Noted*

The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations. Moreover, the way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment	<p>2044 comment by: <i>ENAC Ente Nazionale per l'Aviazione Civile</i></p> <p>Modify point (b) as follows: (b) Without prejudice to paragraph (a) the operator shall report to the competent authority and to the organisation responsible for the design of aerodrome safety related systems and equipment any incident,</p>
response	<p><i>Noted</i></p> <p>The term aerodrome equipment is more appropriate as it is in line with the provisions of the Basic Regulation.</p>
comment	<p>2182 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #198</p> <p>UAF NPA 2011-20 (B.I) ADR.OR.C.030 (e)</p> <p>Référence: ADR.OR.C.030 (e) "Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by the competent authority".</p> <p>Traduction de courtoisie Should be amended as follows: "Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by agreed with the competent authority". For more flexibility and to respond better to the various scenarios, the aerodrome operator should be able to offer his/her own form and manner provided that it is accepted by the competent authority.</p>
response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p>
comment	<p>2188 comment by: <i>CAA CZ</i></p> <p>Comment by Karlovy Vary airport We proposed modified wording of following paragraph : ADR.OR.C.030 — Occurrence reporting (a) The aerodrome operator and the provider of apron management services shall report to the competent authority, and to any other organisation required by the State where the aerodrome is located, any accident, serious incident and incident as defined in Regulation (EU) No 996/201013 and Directive 2003/42/EC14. (b) The aerodrome operator shall, using its Safety Management System, identify, analyse, asses and take corrective actions to eliminate or mitigate any occurrences (other than accidents, serious incidents and incidents),</p>

malfunctions, technical defects, exceeding of technical limitations, or other irregular circumstances that have or may have endangered safety and that has not resulted in an accident, serious incident or incident. Such occurrences shall be kept by aerodrome operators and AMSP and shall be provided upon request to the competent authority.

response *Not accepted*

The Agency has the view that a specific reporting requirement about aerodrome equipment is needed, in order to provide feedback to the designer of the aerodrome equipment. Moreover, the draft rules take into account the relevant terminology already in place at EU level.

comment

2209

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#199](#)

ADBM - NPA 2011-20 (B.I) ADR.OR.C.030 (b)

Référence: ADR.OR.C.030 (b)
 "Without prejudice to paragraph (a) the operator shall report to the competent authority and to the organisation responsible for the design of aerodrome equipment any incident, malfunction, technical defect, exceeding of technical limitations, occurrence or other irregular circumstance that has or may have endangered safety and that has not resulted in an accident or serious incident."

Traduction de courtoisie
 This paragraph (removing "without prejudice to paragraph (a)") should be an AMC or a guidance materiel (GM) as it falls completely under paragraph (a).

response *Not accepted*

The requirements contained in paragraph (b) are different from those contained in paragraph (a), in that the organisation that receives the report and the conditions under which the report has to be made, are different. Therefore paragraph (b) cannot be AMC or GM to paragraph (a).

comment

2243

comment by: *Birmingham Airport - BHX/EGBB*

ADR.OR.C.030 (b) This section should be moved to either AMC or GM - too much detail for an IR

response *Not accepted*

The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations

comment

2306

comment by: *Munich Airport International*

move to an AMC and if not possible to GM; Replace by IR that states the need for such a system

Justification: Too wide for an IR

response	<p><i>Not accepted</i></p> <p>Reporting requirements cannot be at AMC or GM level, without a relevant implementing rule in place.</p>
comment	<p>2371 comment by: Pau Pyrénées Airport - PUF/LFBP</p> <p>The 72-hour period is too low to be sure that the event report can be always performed.</p>
response	<p><i>Not accepted</i></p> <p>The Agency has th view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours. Finally the report submitted within this timeframe, is not expected to include an analysis of the event.</p>
comment	<p>2380 comment by: Pau Pyrénées Airport - PUF/LFBP</p> <p>This paragraph (removing "without prejudice to paragraph (a)") should be an AMC or a guidance materiel (GM) as it falls completely under paragraph (a).</p>
response	<p><i>Not accepted</i></p> <p>The requirements contained in paragraph (b) are different from those contained in paragraph (a), in that the organisation that receives the report and the conditions under which the report has to be made, are different. Therefore paragraph (b) cannot be AMC or GM to paragraph (a).</p>
comment	<p>2447 comment by: Aéroports De Lyon</p> <p>(d) Actuellement, avec l'aide de la base de données ECCAIRS, nous disposons de 2 semaines pour notifier les évènements. Il n'est pas possible de les notifier en 72h de manière pertinente (fiche complétée avec une 1ère analyse de l'évènement)</p> <p><u>Proposition</u>: déplacer l'obligation de 72h en GM et fixer une limite à 2 semaines.</p> <p>(e) <i>This report shall be produced in a form and manner established by the competent authority.</i> Le format du rapport doit être laissé à la libre appréciation de son auteur (car par exemple, il doit être intégré au SMI de l'entreprise)</p> <p><u>Proposition</u>: remplacer "established" par "agreed" ou "proposed"</p>
response	<p><i>Not accepted</i></p> <p>The Agency has the view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours. Finally the report</p>

submitted within this timeframe, is not expected to include an analysis of the event.

comment	2504	comment by: <i>Munich Airport International</i>
	change to AMC.ADR.OR.C.030	
	Justification: since it is an AMC and not an IR	
response	<i>Noted</i>	

comment	2529	comment by: <i>Shannon Airport</i>
	This is too detailed for an Implementing Rule and should be moved to Guidance Material or an Acceptable Means of Compliance.	
response	<i>Not accepted</i>	
	Reporting requirements cannot be at AMC or GM level, without a relevant implementing rule in place.	

comment	2530	comment by: <i>Shannon Airport</i>
	Amend text to read: "form and manner agreed with the competent authority" – It would be more appropriate if the reporting format was agreed between the aerodrome operator and the competent authority."	
response	<i>Not accepted</i>	
	The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.	

comment	2624	comment by: <i>Infratil Airports Europe Ltd</i>
	Page No: 47	
	Paragraph No: ADR.OR.C.030 (b)	
	Comment This is too detailed for an IR. Move to AMC/GM. The scope is also too wide and could include all aspects of safety. The scope should be limited to "safety of aircraft".	
	Proposed text:has or may have endangered the safety of aircraft and that has not resulted in	
response	<i>Not accepted</i>	
	The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations.	
	Moreover, regulation 996/2010 on "the investigation and prevention of accidents and incidents in civil aviation" foresee that an aviation accident may involve a fatal or serious injury of a person. In such a case, aircraft safety is not necessarily endangered (e.g. a person is exposed to jet	

blast).

comment 2625 comment by: *Infratil Airports Europe Ltd*

Document Reference: Annex II – Part OR (BI)

Page No: 47

Paragraph No: ADR.OR.C.030 (e)

Comment IAEL believes it would be better to agree this, between the aerodrome and competent authority rather than it being established by the competent authority alone. Amend last sentence to read “form and manner agreed with the competent...”

response *Not accepted*

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment 2671 comment by: *HIA - Highlands and Islands Airports Limited*

C.030 all parts - Occurrence reporting too detailed for implementing rule should be covered by Acceptable means of compliance. UK covered by 168 and separate document CAP 382.

response *Not accepted*

Reporting requirements cannot be at AMC or GM level, without a relevant implementing rule in place. In addition, the Agency believes that the rules are not detailed, while almost identical provisions have been recently approved at EU level in other aviation domains.

comment 2711 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.C.030 (b)	Move to AMC/GM	This is too detailed for an IR.
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response *Not accepted*

The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations.

comment 2712 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.C.030 (e)	Amend last sentence to read “form and manner agreed with the competent...”	LJLA believes it would be better to agree this, between the aerodrome and competent authority rather than it being established by the competent authority alone.
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response *Not accepted*

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment

2731

comment by: AENA - Aeropuertos Españoles y Navegación
Aérea

The above mentioned paragraphs require the aerodrome operator and the apron management services to report to the competent authority occurrences and their follow-up "in a form and manner established by the competent authority". This is too restrictive in so far as some operators may choose to use an IT system, some others to provide forms... The choice will be made in accordance of the size and complexity of the operator system.

The issue for the competent authority is to be sure that all relevant safety data will be sent.

Therefore it is proposed:

ADR.OR.C.030 – Occurrence reporting

" [...]

(c) Without prejudice to Regulation (EU) No 996/2010 and Directive 2003/42/EC, the reports referred to in paragraphs (a) and (b) shall be made in a form and manner ~~established~~ **agreed** by the competent authority and contain all pertinent information about the condition known to the aerodrome operator or the provider of apron management services.

(d) [...]

(e) Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner ~~established~~ **agreed** by the competent authority."

According to Regulation 996/2010 - article 9, the authority receives notification of accidents and serious incidents without delay through the safety investigation authority.

Therefore for the rest of incidents the information is less critical, and there will be a huge burden for the Aerodrome to send the information in 72 hours.

It is proposed:

" [...]

(d) Reports shall be made ~~as soon as practicable, but in any case within 72 hours~~ **one month** of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates, ~~unless exceptional circumstances prevent this.~~

[...]"

response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p> <p>In addition, the Agency has the view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours. Finally the report submitted within this timeframe, is not expected to include an analysis of the event.</p>
comment	<p>2742 comment by: <i>Aberdeen Airport Airside Operations</i></p> <p>(b) Move to AMC/GM</p> <p>This is too detailed for an IR</p> <p>(e) Amend last sentence to read "form and manner agreed with the competent"</p> <p>BAA Aberdeen Airport believes it would be better to agree this, between the aerodrome and the competent authority rather than it being established by the competent authority alone.</p>
response	<p><i>Not accepted</i></p> <p>The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations.</p> <p>In addition, the Agency has the view that it is for the competent authority to define the minimum type of information to be contained in such reports and the manner to be submitted.</p>
comment	<p>2798 comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i></p> <p>A follow-up report shall be provided to the competent authority only on the competent authority's request.</p>
response	<p><i>Noted</i></p> <p>The wording of the draft rule does not prevent this from happening.</p>
comment	<p>2915 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(b) Move to AMC/GM</p> <p>Justification: This is too detailed for an IR.</p>
response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information</p>

to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment 2918 comment by: *East Midlands Airport - EMA/EGNX*

(e) Amend last sentence to read "form and manner agreed with the competent..."

Justification: It would be better to agree this, between the aerodrome and competent authority rather than it being established by the competent authority alone.

response *Not accepted*

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment 2923 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OR.C.030 (b)	"Without prejudice to paragraph (a) the operator shall report to the competent authority and to the organisation responsible for the design of aerodrome equipment any incident, malfunction, technical defect, exceeding of technical limitations, occurrence or other irregular circumstance that has or may have endangered safety and that has not resulted in an accident or serious incident."
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Proposition/commentaire	Ce paragraphe (en enlevant « without prejudice to paragraph (a) ») devrait être une AMC voire un élément informatif (GM) car il s'inscrit complètement dans le cadre du paragraphe (a).
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Justification	
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Traduction de courtoisie	This paragraph (removing "without prejudice to paragraph (a)") should be an AMC or a guidance materiel (GM) as it falls completely under paragraph (a).
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response *Not accepted*

The requirements contained in paragraph (b) are different from those contained in paragraph (a), in that the organisation that receives the report and the conditions under which the report has to be made, are different. Therefore paragraph (b) cannot be AMC or GM to paragraph (a).

comment 2924 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OR.C.030 (d)	"Reports shall be made as soon as practicable, but in any case within 72 hours of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates, unless exceptional circumstances prevent this."
Proposition/commentaire	La période de 72 heures est trop faible pour être sûr que le rapport d'évènement puisse être toujours effectué. Nous proposons de supprimer cette référence de temps.
Justification	
Traduction de courtoisie	The 72-hour period is too low to be sure that the event report can be always performed. We propose to delete this reference of time.

response *Not accepted*

The Agency has the view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours. Finally the report submitted within this timeframe, is not expected to include an analysis of the event.

comment 2925 comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.OR.C.030 (e)	"Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by the competent authority".
Proposition/commentaire	Il convient de modifier de la manière suivante: "Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by agreed with the competent

	authority”.
Justification	Pour davantage de flexibilité et pour répondre le mieux possible aux différents cas de figure l’exploitant d’aérodrome devrait pouvoir proposer une forme et une manière propre sous condition bien sûr que cela soit accepté par l’autorité compétente.
Traduction de courtoisie	Should be amended as follows: “Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by agreed with the competent authority”. For more flexibility and to respond better to the various scenarios, the aerodrome operator should be able to offer his/her own form and manner provided that it is accepted by the competent authority.

response *Not accepted*

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment 2998 comment by: *Norwich International Airport*
ADR.OR.C.030 (b)

This is too detailed for an IR, move to AMC/GM.

response *Not accepted*

The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations.

comment 3000 comment by: *Norwich International Airport*
ADR.OR.C.030 (e)

Amend last sentence to read “form and manner agreed with the competent...”

NWI believes it would be better to agree this, between the aerodrome and competent authority rather than it being established by the competent

	authority alone.
response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p>
comment	<p>3038 comment by: DAA Cork Airport</p> <p>Add: "except in an emergency" – this will clarify that during declared emergencies, prior approval will not be required from the competent authority before permission to land is given.</p>
response	<p><i>Accepted</i></p> <p>The case of emergencies is specifically mentioned in the Basic Regulation, so it will be made explicit too in the relevant requirement.</p>
comment	<p>3063 comment by: DAA Cork Airport</p> <p>This is too detailed for an Implementing Rule and should be moved to Guidance Material or an Acceptable Means of Compliance.</p>
response	<p><i>Not accepted</i></p> <p>The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations.</p>
comment	<p>3155 comment by: Isavia</p> <p>ADR.OR.C.030 (b) on page 47: The Aerodrome operator should not report incidents to the organization responsible for the design of aerodrome equipment. We suggest to move it to GM.</p>
response	<p><i>Not accepted</i></p> <p>Given the definition of aerodrome equipment, the Agency has the view that is necessary to provide feedback to the designer of the aerodrome equipment. Moreover, the requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations.</p>
comment	<p>3156 comment by: Isavia</p> <p>We suggest to delete the last sentence in ADR.OR.C.030(e) on page 47. The competent authority should not establish the form and manner for follow-up reports.</p>
response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such</p>

reports are to be submitted.

comment 3198 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
(c) & (e) replace "established" with "in agreement with"

response *Not accepted*

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment 3263 comment by: *London Biggin Hill Airport*

ADR.OR.C.030

(b) Move to AMC/GM This is too detailed for an IR

(e) Amend last sentence to read "form and manner agreed with the competent" we believe it would be better to agree this, between the aerodrome and competent authority rather than it being established by the competent authority alone.

response *Not accepted*

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment 3362 comment by: *ADV -German Airports Association*

ADR.OR.C.030

move to an AMC and if not possible to GM; Replace by IR that states the need for such a system

Justification: Too wide for an IR

response *Not accepted*

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment 3376 comment by: *MST / STR - Stuttgart Airport*

ADR.OR.C.030

move to an AMC and if not possible to GM; Replace by IR that states the need for such a system

Justification: Too wide for an IR

response *Not accepted*

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information

to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment	<p>3481 comment by: <i>Fraport AG</i></p> <p>ADR.OR.C.030 - Occurrence reporting (b)</p> <p>Editorial</p> <p>Without prejudice to paragraph (a) the operator shall report to the competent authority and to the organisation responsible for the design of aerodrome equipment any incident, malfunction, technical defect, exceeding of technical limitations, occurrence or other irregular circumstance that has or may have endangered safety and that has not resulted in an accident or serious incident.</p> <p>Move complete paragraph to AMC or GM</p> <p>Fraport AG: Paragraph does not qualify for an IR, it's too high detailed and it is much above actual regulatory framework.</p>
response	<p><i>Not accepted</i></p> <p>The requirement of paragraph (b) should be at implementing rule level, because it introduces an obligation to the regulated organisations.</p>

comment	<p>3482 comment by: <i>Fraport AG</i></p> <p>ADR.OR.C.030 - Occurrence reporting (e)</p> <p>Editorial</p> <p>Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by the competent authority.</p> <p>Proposed Text</p> <p>Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner agreed with the competent authority.</p> <p>Fraport AG: A report should be agreed between the involved partners, otherwise there might be a risk that not all or the wrong information will be reported.</p>
response	<p><i>Not accepted</i></p> <p>The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information to be contained in such reports, as well as the manner in which such reports are to be submitted.</p>

comment

3573

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*Attachment [#200](#)

ADBM - NPA 2011-20 (B.I) ADR.OR.C.030 (d)

Référence: ADR.OR.C.030 (d)
 "Reports shall be made as soon as practicable, but in any case within 72 hours of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates, unless exceptional circumstances prevent this."

Traduction de courtoisie
 The 72-hour period is too low to be sure that the event report can be always performed.
 We propose to delete this reference of time.

response

Not accepted

The Agency has the view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours. Finally the report submitted within this timeframe, is not expected to include an analysis of the event

comment

3574

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*Attachment [#201](#)

ADBM - NPA 2011-20 (B.I) ADR.OR.C.030 (e)

Référence: ADR.OR.C.030 (e)
 "Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by the competent authority".

Traduction de courtoisie
 Should be amended as follows: "Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by agreed with the competent authority".
 For more flexibility and to respond better to the various scenarios, the aerodrome operator should be able to offer his/her own form and manner provided that it is accepted by the competent authority.

response

Not accepted

The way in which reports should be made has to be established by the competent authority, in order to define the type and minimum information

to be contained in such reports, as well as the manner in which such reports are to be submitted.

comment	<p>3595 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i> Attachment #202</p> <p>UAF NPA 2011-20 (B.I) ADR.OR.C.030 (b)</p> <p>Référence: ADR.OR.C.030 (b) "Without prejudice to paragraph (a) the operator shall report to the competent authority and to the organisation responsible for the design of aerodrome equipment any incident, malfunction, technical defect, exceeding of technical limitations, occurrence or other irregular circumstance that has or may have endangered safety and that has not resulted in an accident or serious incident."</p> <p>Traduction de courtoisie This paragraph (removing "without prejudice to paragraph (a)") should be an AMC or a guidance materiel (GM) as it falls completely under paragraph (a).</p>
response	<p><i>Not accepted</i></p> <p>The requirements contained in paragraph (b) are different from those contained in paragraph (a), in that the organisation that receives the report and the conditions under which the report has to be made, are different. Therefore paragraph (b) cannot be AMC or GM to paragraph (a).</p>
comment	<p>3596 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i> Attachment #203</p> <p>UAF NPA 2011-20 (B.I) ADR.OR.C.030 (d)</p> <p>Référence: ADR.OR.C.030 (d) "Reports shall be made as soon as practicable, but in any case within 72 hours of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates, unless exceptional circumstances prevent this."</p> <p>Traduction de courtoisie The 72-hour period is too low to be sure that the event report can be always performed. We propose to delete this reference of time.</p>
response	<p><i>Not accepted</i></p> <p>The Agency has the view that the period of 3 days is enough to submit a report required under this article. Same periods are already established in other aviation domains. In any case, the rule foresees that a report may be submitted after this period, if exceptional circumstances prevent its submission within the given timeframe of 72 hours. Finally the report submitted within this timeframe, is not expected to include an analysis of the event.</p>

ANNEX II - Part-OR - ADR.OR.C.040 — Prevention of fire

p. 48

comment 659 comment by: *Exeter International Airport*
 ADR.OR.C.040 : This is very wide in terms of prevention. It should state that the aerodrome operator will take all reasonable steps to ensure that no person:

response *Noted*
 The intent of the rule is that the aerodrome operator has taken all reasonable steps to ensure the prevention of smoking and open fire at sensitive areas, by establishing and implementing relevant procedures.

comment 858 comment by: *Union des Aéroports français - UAF*
 Attachment [#204](#)
 UAF NPA 2011-20 (B.I) ADR.OR.C.040
 Référence: ADR.OR.C.040 Prevention of fire

Traduction de courtoisie
 These rules are general rules made by the police authorities and not by the operator.
 Local rules of type legal text enforcing law and order should be regarded as arrangements.
 UAF suggests to put the AMC more flexible in IR that is to say that the aerodrome operator simply checks that rules and procedures exist and he/she does not have to establish them him/herself.
 Indeed, the operator cannot ensure that no person smokes on the movement area and moreover there may be designated areas for smokers on the movement area of the aerodrome.

response *Noted*
 The intent of the rule is that the aerodrome operator takes all necessary measures to ensure the prevention of smoking and open fire at sensitive areas. There is no requirement for the aerodrome operator to issue rules preventing this, but rather to establish and implement the necessary procedures to ensure that the necessary preventive measures are taken. In this respect, the arrangements foreseen in the Annex Va of the Basic Regulation could be used, to engage the employers of organisations operating at the aerodrome in the process. If there is need, the aerodrome operator could always refer such events to the national competent authority responsible for such issues.

comment 927 comment by: *Aéroport La Rochelle - LRH/LFBH*
 Attachment [#205](#)
 LFBH NPA 2011-20 (B.I) ADR.OR.C.040
 Référence: ADR.OR.C.040
 Prevention of fire

	<p>Proposition/commentaire Ces règles sont des règles générales prises par les autorités de police et non pas par l'exploitant. Les règles locales de type arrêté de police devraient être considérées comme des arrangements. L'UAF suggère donc de faire remonter l'AMC plus souple en IR c'est-à-dire que l'exploitant d'aérodrome se contente de vérifier que des règles et procédures existent et il n'a pas à les établir lui-même.</p> <p>Justification En effet, l'exploitant ne peut pas s'assurer que personne ne fume sur l'aire de mouvement et de plus il peut y avoir des zones pour fumeurs sur l'aire de mouvement de l'aérodrome.</p>
response	<p><i>Noted</i></p> <p>The intent of the rule is that the aerodrome operator takes all necessary measures to ensure the prevention of smoking and open fire at sensitive areas. There is no requirement for the aerodrome operator to issue rules preventing this, but rather to establish and implement the necessary procedures to ensure that the necessary preventive measures are taken. In this respect, the arrangements foreseen in the Annex Va of the Basic Regulation could be used, to engage the employers of organisations operating at the aerodrome in the process. If there is need, the aerodrome operator could always refer such events to the national competent authority responsible for such issues.</p>
comment	<p>1113 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX II - Part-OR - ADR.OR.C.040 — Prevention of fire (p48) • AMC/GM to Annex II – Part-OR – AMC1-ADR.OR.C.040 <p><u>2. Justification and proposed text / comment</u></p> <p>This comment is linked with comment 858 in book II. Paragraph (a) of ADR.OR.C.040 is in contradiction with the French system and legal provisions. Indeed, an aerodrome operator does not have the law enforcement powers allowing him to ensure that no person smokes within the movement area of an aerodrome. In the French system, this is the competency of the employer to control its employees respect the rules: this is contained in the French "work legislation". Consequently, the aerodrome operator can not "assign responsibilities" as stated in AMC1-ADR.OR.C.040, nor "promulgate" anything (as the word "promulgate" is used for a regulation only). However, we agree that the aerodrome operator should have a policy, which is then applied by respective employers of people working at the aerodrome through the Work Legislation. It is essential to provide flexibility for this item, which is critical.</p> <p>DGAC proposes to:</p> <ul style="list-style-type: none"> • detail that the aerodrome operator defines the policy; • indicate explicitly that this should be done taking into account the

- system of the State;
- revise AMC1-ADR.OR.C.040 accordingly.

ADR.OR.C.040 – Prevention of fire

"Without prejudice to the system and legal provisions of the relevant member State, an aerodrome operator shall have a policy stating that ensure that no person:

(a) nobody should smokes within the movement area of the aerodrome; or

(b) displays an open flame or undertakes an activity within the movement area of the aerodrome that would create a fire hazard, unless authorised by the aerodrome operator."

AMC1-ADR.OR.C.040

"Without prejudice to the system and legal provisions of the relevant Member State, the aerodrome operator should develop a policy and, if appropriate, procedures and assign responsibilities for the control of smoking [...]

In addition and without prejudice to the system and legal provisions of the relevant Member State, these procedures should could address the adoption and use of mitigating measures"

response *Noted*

The intent of the rule is that the aerodrome operator takes all necessary measures to ensure the prevention of smoking and open fire at sensitive areas. There is no requirement for the aerodrome operator to issue rules preventing this, but rather to establish and implement the necessary procedures to ensure that the necessary preventive measures are taken. In this respect, the arrangements foreseen in the Annex Va of the Basic Regulation could be used, to engage the employers of organisations operating at the aerodrome in the process. If there is need, the aerodrome operator could always refer such events to the national competent authority responsible for such issues.

comment 1276 comment by: *Blackpool Airport - BLK/EGNH*

ADR.OR.C.040 : This is very wide in terms of prevention. It should state that the aerodrome operator will take all reasonable steps to ensure that no person:

response *Noted*

The intent of the rule is that the aerodrome operator takes all necessary measures to ensure the prevention of smoking and open fire at sensitive areas, by establishing and implementing relevant procedures.

comment 1814 comment by: *UK CAA*

Page No: 48

Paragraph No: ADR.OR.C.040(a)

Comment: This cannot be implemented as currently written.

Justification: To make it viable, it should require the aerodrome operator to have procedures in place to prevent smoking. This would require local notices to place obligations on individual companies to manage compliance by their employees. The IR should not make the aerodrome operator directly responsible for the actions of individuals.

Proposed Text: "An aerodrome operator shall **have procedures to:**

- (a) **prohibit smoking** within the movement area of the aerodrome; and
- (b) **prohibit the use of an open flame or other activity** within the movement area of the aerodrome that would create a fire hazard, unless authorised by the aerodrome operator".

response

Noted

The Agency has the view that prohibiting smoking or the use of open flame or other activities within the movement area is not the same as ensuring that such activities do not take place. Moreover, the text deals also with other cases, such as maintenance activities etc., which are undertaken by the aerodrome operator itself or by its subcontractors.

comment

1969

comment by: *Aéroport de Marseille - MRS/LFML*

These rules are general rules made by the police authorities and not by the operator.
Local rules of type legal text enforcing law and order should be regarded as arrangements.
UAF suggests to put the AMC more flexible in IR that is to say that the aerodrome operator simply checks that rules and procedures exist and he/she does not have to establish them him/herself.

response

Noted

The intent of the rule is that the aerodrome operator takes all necessary measures to ensure the prevention of smoking and open fire at sensitive areas. There is no requirement for the aerodrome operator to issue rules preventing this, but rather to establish and implement the necessary procedures to ensure that the necessary preventive measures are taken. In this respect, the arrangements foreseen in the Annex Va of the Basic Regulation could be used, to engage the employers of organisations operating at the aerodrome in the process. If there is need, the aerodrome operator could always refer such events to the national competent authority responsible for such issues.

comment

2171

comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#206](#)

UAF NPA 2011-20 (B.I) ADR.OR.C.040

Référence: ADR.OR.C.040 Prevention of fire

Traduction de courtoisie
These rules are general rules made by the police authorities and not by the operator.
Local rules of type legal text enforcing law and order should be regarded as arrangements.

	<p>UAF suggests to put the AMC more flexible in IR that is to say that the aerodrome operator simply checks that rules and procedures exist and he/she does not have to establish them him/herself. Indeed, the operator cannot ensure that no person smokes on the movement area and moreover there may be designated areas for smokers on the movement area of the aerodrome.</p>
response	<p><i>Noted</i></p> <p>The intent of the rule is that the aerodrome operator takes all necessary measures to ensure the prevention of smoking and open fire at sensitive areas. There is no requirement for the aerodrome operator to issue rules preventing this, but rather to establish and implement the necessary procedures to ensure that the necessary preventive measures are taken. In this respect, the arrangements foreseen in the Annex Va of the Basic Regulation could be used, to engage the employers of organisations operating at the aerodrome in the process. If there is need, the aerodrome operator could always refer such events to the national competent authority responsible for such issues.</p>
comment	<p>2220 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #207</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OR.C.040</p> <p>Référence: ADR.OR.C.040 Prevention of fire</p> <p>Traduction de courtoisie These rules are general rules made by the police authorities and not by the operator. Local rules of type legal text enforcing law and order should be regarded as arrangements. ADBM suggests to put the AMC more flexible in IR that is to say that the aerodrome operator simply checks that rules and procedures exist and he/she does not have to establish them him/herself. Indeed, the operator cannot ensure that no person smokes on the movement area and moreover there may be designated areas for smokers on the movement area of the aerodrome.</p>
response	<p><i>Noted</i></p> <p>The intent of the rule is that the aerodrome operator takes all necessary measures to ensure the prevention of smoking and open fire at sensitive areas. There is no requirement for the aerodrome operator to issue rules preventing this, but rather to establish and implement the necessary procedures to ensure that the necessary preventive measures are taken. In this respect, the arrangements foreseen in the Annex Va of the Basic Regulation could be used, to engage the employers of organisations operating at the aerodrome in the process. If there is need, the aerodrome operator could always refer such events to the national competent authority responsible for such issues.</p>
comment	<p>2362 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p>

These rules are general rules made and controlled by the police authorities and not by the operator.
Local rules of type legal text enforcing law and order could be regarded as arrangements but most of all as priority.
Pau Pyrenees airport suggests to put the AMC more flexible in IR that is to say that the aerodrome operator simply checks that rules and procedures exist and he/she does not have to establish them him/herself.

Indeed, the operator cannot ensure that no person smokes on the movement area and moreover there may be designated areas for smokers on the movement area of the aerodrome.

response *Noted*

The intent of the rule is that the aerodrome operator takes all necessary measures to ensure the prevention of smoking and open fire at sensitive areas. There is no requirement for the aerodrome operator to issue rules preventing this, but rather to establish and implement the necessary procedures to ensure that the necessary preventive measures are taken. In this respect, the arrangements foreseen in the Annex Va of the Basic Regulation could be used, to engage the employers of organisations operating at the aerodrome in the process. If there is need, the aerodrome operator could always refer such events to the national competent authority responsible for such issues.

comment 2452

comment by: *Aéroports De Lyon*

L'exploitant peut mettre en place une politique dans ce sens mais en aucun cas s'assurer du respect de la législation en vigueur.

Proposition: mettre l'AMC en IR

response *Noted*

The intent of the rule is that the aerodrome operator takes all necessary measures to ensure the prevention of smoking and open fire at sensitive areas. There is no requirement for the aerodrome operator to issue rules preventing this, but rather to establish and implement the necessary procedures to ensure that the necessary preventive measures are taken. In this respect, the arrangements foreseen in the Annex Va of the Basic Regulation could be used, to engage the employers of organisations operating at the aerodrome in the process. If there is need, the aerodrome operator could always refer such events to the national competent authority responsible for such issues.

comment 2942

comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OR.C.040	Prevention of fire
Proposition/commentaire	Ces règles sont des règles générales prises par les autorités de police et non pas par l'exploitant. Les règles locales de type arrêté de police devraient être considérées comme des arrangements. ACA suggère donc de faire remonter l'AMC

	plus souple en IR c'est-à-dire que l'exploitant d'aérodrome se contente de vérifier que des règles et procédures existent et il n'a pas à les établir lui-même.
Justification	En effet, l'exploitant ne peut pas s'assurer que personne ne fume sur l'aire de mouvement et de plus il peut y avoir des zones pour fumeurs sur l'aire de mouvement de l'aérodrome.
Traduction de courtoisie	<p>These rules are general rules made by the police authorities and not by the operator. Local rules of type legal text enforcing law and order should be regarded as arrangements.</p> <p>ACA suggests to put the AMC more flexible in IR that is to say that the aerodrome operator simply checks that rules and procedures exist and he/she does not have to establish them him/herself.</p> <p>Indeed, the operator cannot ensure that no person smokes on the movement area and moreover there may be designated areas for smokers on the movement area of the aerodrome.</p>

response

Noted

The intent of the rule is that the aerodrome operator takes all necessary measures to ensure the prevention of smoking and open fire at sensitive areas. There is no requirement for the aerodrome operator to issue rules preventing this, but rather to establish and implement the necessary procedures to ensure that the necessary preventive measures are taken. In this respect, the arrangements foreseen in the Annex Va of the Basic Regulation could be used, to engage the employers of organisations operating at the aerodrome in the process. If there is need, the aerodrome operator could always refer such events to the national competent authority responsible for such issues.

comment

3104

comment by: ADP : Aeroports de Paris

Référence: ADR.OR.C.040
Prevention of fire

Proposition/commentaire

Ces règles sont des règles générales prises par les autorités de police et non pas par l'exploitant. En France, le code de l'aviation civile dispose que le préfet prend les mesures générales de protection contre l'incendie sur l'aéroport.

ADP suggère donc de faire transformer en IR l'AMC1-ADR.OR.C.040 tel que modifié dans notre commentaire n°753 du (B.II), c'est-à-dire que

l'exploitant d'aérodrome se contente de vérifier que des règles et procédures existent et il n'a pas à les établir lui-même.

De plus, les règles prises par le préfet devraient être considérées comme des arrangements au sens de l'ADR.OR.C.005.

Justification

Voir le 3ieme commentaire général n° 2867

En effet, l'exploitant ne peut pas s'assurer que personne ne fume sur l'aire de mouvement et de plus il peut y avoir des zones pour fumeurs sur l'aire de mouvement de l'aérodrome.

Traduction de courtoisie

These rules are general rules made by the administrative police authorities and not by the operator. The French civil aviation code states that the prefect shall establish general rules on fire prevention at the aerodrome.

ADP suggests to turn into an IR the AMC1-ADR.OR.C.040, as amended in our comment n° 753 on (B.II), that is to say that the aerodrome operator simply checks that rules and procedures exist and he/she does not have to establish them him/herself.

Moreover, rules established by the prefect should be regarded as arrangements within the meaning of ADR.OR.C.005

See 3rd general comment n° 2867

Indeed, the operator cannot ensure that no person smokes on the movement area and moreover there may be designated areas for smokers on the movement area of the aerodrome.

response

Noted

The intent of the rule is that the aerodrome operator takes all necessary measures to ensure the prevention of smoking and open fire at sensitive areas. There is no requirement for the aerodrome operator to issue rules preventing this, but rather to establish and implement the necessary procedures to ensure that the necessary preventive measures are taken. In this respect, the arrangements foreseen in the Annex Va of the Basic Regulation could be used, to engage the employers of organisations operating at the aerodrome in the process. If there is need, the aerodrome operator could always refer such events to the national competent authority responsible for such issues.

comment	<p>278 comment by: <i>CAA Austria - Ministry of Transport</i></p> <p>(b)(1) change to: "not consume alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety during their duty period." (b)(2) change to: "not perform any duties under the influence of alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety." Only the establishment of a policy is possible for the Aerodrome Operator. Control of prescribed substances is not possible.</p>
response	<p><i>Noted</i></p> <p>The suggested text in paragraph (b) (1) could be interpreted as allowing the consumption of alcohol during duty period, provided that it does not affect the abilities of the person. However, this is not the intent of the original draft rule. With regard to the suggested text of paragraph (b)(2) the Agency has the view that there is no difference in the actual texts.</p> <p>The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".</p>
comment	<p>304 comment by: <i>BAA Airside operations</i></p> <p>(a) After the discussions in the rulemaking groups, BAA supports this proposal.</p>
response	<p><i>Noted</i></p>
comment	<p>407 comment by: <i>Edinburgh Airport</i></p> <p>ADR.OR.C.045 (a) Support - Edinburgh Airport supports this proposal.</p>
response	<p><i>Noted</i></p>
comment	<p>584 comment by: <i>Belfast International Airport - BFS/EGAA</i></p> <p>Strongly agree</p>
response	<p><i>Noted</i></p>
comment	<p>605 comment by: <i>Vienna International Airport</i></p> <p>(b)(1) change to: "not consume alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety during their duty period."</p>

	<p>(b)(2) change to: "not perform any duties under the influence of alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety."</p> <p>Only the establishment of a policy is possible for the Aerodrome Operator. Control of prescribed substances is not possible.</p>
response	<p><i>Noted</i></p> <p>The suggested text in paragraph (b) (1) could be interpreted as allowing the consumption of alcohol during duty period, provided that it does not affect the abilities of the person. However, this is not the intent of the original draft rule.</p> <p>With regard to the suggested text of paragraph (b)(2) the Agency has the view that there is no difference in the actual texts.</p> <p>The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".</p>
comment	<p>801 comment by: <i>Airport Nuremberg - NUE/EDDN</i></p> <p>Especially since this regulation does not only apply for airport personell but also third parties like handling agents and service providers at the airport, it is almost impossible for the airport operator to control or detect safety risks due to the performance under the influence of prescribed substances. The detection of alcohol and drugs (illicit substances) can be managed by the airport operator in cooperation with local police. The detection of the consumption of prescribed substances and the decision whether those substances will have an impact on safety cannot be undertaken by an aerodrome operator! Not even medical personnel is in some cases able to surely define what prescribed substances will have an impact on work and which don't. Since it is not only sufficient for the aerodrome operator to state that prescribed substances that may have an effect on the abilities are prohibited, there must be a way to detect them in the case of doubt. The term prescribed substances should be neglected! In fact a prescribed substance should not be categorized equal to an illicit substance (drugs).</p>
response	<p><i>Noted</i></p> <p>The use of alcohol and illicit or legally prescribed substances may have an effect on safety. The intent of this requirement is to establish a relevant policy.</p> <p>The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".</p>
comment	<p>802 comment by: <i>Airport Nuremberg - NUE/EDDN</i></p> <p>If it is indicated that personnel at the aerodrome (independent of the company) has to reveal the consumption of prescribed substances to assure that there is no effect on safe operations, there will be a conflict with the individual protection of data privacy, since the consumption of</p>

	prescribed substances is not to equal with the consumption of alcohol and drugs (illicit substances)!
response	<p><i>Noted</i></p> <p>The use of alcohol and illicit or legally prescribed substances may have an effect on safety. The intent of this requirement is to establish a relevant policy. The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".</p>
comment	<p>860 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #208</p> <p>UAF NPA 2011-20 (B.I) ADR.OR.C.045</p> <p>Référence: ADR.OR.C.045 Use of alcohol and illicit or prescribed substances</p> <p>Traduction de courtoisie It is proposed to amend the title as follows: "Use of alcohol and illicit or prescribed prohibited substances." Moreover, these rules are general rules made by the police authorities who have the power to enforce law and order, and not by the operator. Local rules such legal text enforcing law and order should be regarded as arrangements. Thus the UAF is proposing to amend as follows: "(a) An aerodrome operator shall establish and promulgate have a policy stating the requirements on consumption of alcohol and illicit or prescribed prohibited substances."</p>
response	<p><i>Noted</i></p> <p>Illicit substances are prohibited. The established policy needs to be promulgated. The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".</p>
comment	<p>919 comment by: <i>Aéroport La Rochelle - LRH/LFBH</i></p> <p>Attachment #209</p> <p>LFBH NPA 2011-20 (B.I) ADR.OR.C.045</p> <p>Référence: ADR.OR.C.045 Use of alcohol and illicit or prescribed substances</p> <p>Proposition/commentaire Il est proposé de modifier le titre de la manière suivante : "Use of alcohol and illicit or prescribed prohibited substances." Par ailleurs, ces règles sont des règles générales prises par les autorités de police et non pas par l'exploitant. Les règles locales type arrêté de police devraient être considérées comme des arrangements.</p>

Ainsi l'UAF propose de modifier comme suit: "(a) An aerodrome operator shall ~~establish and promulgate~~ **have** a policy stating the requirements on consumption of alcohol and illicit or ~~prescribed~~ **prohibited** substances."

response *Noted*

Illicit substances are prohibited. The established policy needs to be promulgated.
The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

comment *1088* comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.C.045 (a)	Support	After discussions in the rulemaking groups Bristol Airport supports this proposal.
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response *Noted*

comment *1115* comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- ANNEX II - Part-OR - ADR.OR.C.045 — Use of alcohol and illicit or prescribed substances (p48)

2. Justification and proposed text / comment

As stated in the comment on ADR.OR.C.040 : in the French system, this is the competency of the employer to control its employees respect the rules: this is contained in the French "work legislation". Consequently, the aerodrome operator can not "promulgate" anything (as the word "promulgate" is used for a regulation only). However, we agree that the aerodrome operator should **have** a policy, which is then applied by respective employers of people working at the aerodrome through the Work Legislation.

It is essential to provide flexibility for this item, which is **critical**.

We have a comment on the use of the word "prescribed": the substances are not prescribed (by whom, for what? : isn't there a mistake?) : the word "proscribed" would be more appropriate

DGAC proposes to:

- correct the use of the word "prescribed" and replace it by "proscribed";
- modify ADR.OR.C.045 to indicate the aerodrome operator has a policy (but not promulgate) and this is done taking into account the legal system in the State ;
- add 2 AMCs to detail that the rules are implemented taking into account the work legislation (i.e. by employers in France, not the aerodrome operator).

ADR.OR.C.045 — Use of alcohol and illicit or ~~prescribed~~ **proscribed substances**

"(a) Without prejudice to the system and legal provisions of the relevant Member State, an aerodrome operator shall establish and promulgate have a policy stating the requirements on consumption of alcohol and illicit or ~~prescribed~~ proscribed substances.

(b) This policy shall include the requirements that persons undertaking duties on the aerodrome which may have an impact on safety shall:

(1) not consume alcohol during their duty period

(2) not perform any duties under the influence:

(i) of alcohol, or

(ii) any illicit or ~~prescribed~~ proscribed substances that may have an effect on his/her abilities in a manner contrary to safety."

and add the following AMCs:

AMC-ADR.OR.C.045(a)— Use of alcohol and illicit or proscribed substances

"Without prejudice to the system and legal provisions of the relevant Member State, the aerodrome operator should develop a policy and, if appropriate, procedures for the use of alcohol and illicit or proscribed substances."

AMC-ADR.OR.C.045(b)— Use of alcohol and illicit or proscribed substances

"The requirements are developed and are implemented by each organisation working on the aerodrome, without prejudice to the system and legal provisions of the relevant Member State"

response *Noted*

Prescribed substances are the substances for which a medical doctor's prescription is needed. The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

Promulgation also has the meaning of making widely known, promoting or publishing.

The Agency has the view that this requirement does not have any effect on existing national legislation and the responsibilities of other organisations.

comment 1150

comment by: ADP : Aeroports de Paris

Référence: ADR.OR.C.045

Use of alcohol and illicit or prescribed substances

Proposition/commentaire

Il est proposé de modifier le titre de la manière suivante : "Use of alcohol and illicit or ~~prescribed~~ substances."

En effet, les substances "prescribed", relevant du domaine médical, sortent du champs de compétence de l'opérateur aéroportuaire.

Par ailleurs, ces règles sont des règles générales prises par les autorités de police et non pas par l'exploitant.

Les règles locales type arrêté de police devraient être considérées comme des arrangements.

Ainsi il est proposé de modifier comme suit: "(a) An aerodrome operator shall ~~establish and promulgate~~ **have** a policy stating the requirements on consumption of alcohol and illicit ~~or prescribed~~ substances."

Justification

Traduction de courtoisie

It is proposed to amend the title as follows: "Use of alcohol and illicit ~~or prescribed~~ substances."

Prescribed substances, as elements of the medical domain, are not in the scope of competence of the airport operator.

Moreover, these rules are general rules made by the police authorities who have the power to enforce law and order, and not by the operator. Local rules such legal text enforcing law and order should be regarded as arrangements.

Thus it is proposed to amend as follows: "(a) An aerodrome operator shall ~~establish and promulgate~~ **have** a policy stating the requirements on consumption of alcohol and illicit ~~or prescribed~~ substances."

response

Noted

Illicit substances are prohibited. The established policy needs to be promulgated.

The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

comment

1156

comment by: *SWISS AERODROMES ASSOCIATION*

Shouldn't this IR address the use of "prohibited" rather than "prescribed" substances ?

response

Noted

The use of prescribed substances may also affect safety. The use of such substances is already regulated (e.g. Regulation "805/2011" on ATCO licensing).

comment

1354

comment by: *Gatwick Airport Ltd*

(a)

Support

After discussions in the rulemaking groups London Gatwick supports this proposal.

response	<i>Noted</i>
comment	<p>1415 comment by: <i>Salzburger Flughafen GmbH</i></p> <p>(b) (1) change to: "not consume alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety during their duty period."</p> <p>(b) (2) change to: "not perform any duties under the influence of alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety."</p> <p>Only the establishment of a policy is possible for the Aerodrome Operator. Control of prescribed substances is not possible.</p>
response	<p><i>Noted</i></p> <p>The suggested text in paragraph (b) (1) could be interpreted as allowing the consumption of alcohol during duty period, provided that it does not affect the abilities of the person. However, this is not the intent of the original draft rule.</p> <p>With regard to the suggested text of paragraph (b)(2) the Agency has the view that there is no difference in the actual texts.</p> <p>The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".</p>
comment	<p>1515 comment by: <i>Flughafen Linz-Hörsching - LNZ/LOWL</i></p> <p>(b)(1) change to: "not consume alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety during their duty period."</p> <p>(b)(2) change to: "not perform any duties under the influence of alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety."</p> <p>Only the establishment of a policy is possible for the Aerodrome Operator. Control of prescribed substances is not possible.</p>
response	<p><i>Noted</i></p> <p>The suggested text in paragraph (b) (1) could be interpreted as allowing the consumption of alcohol during duty period, provided that it does not affect the abilities of the person. However, this is not the intent of the original draft rule.</p> <p>With regard to the suggested text of paragraph (b)(2) the Agency has the view that there is no difference in the actual texts.</p> <p>The relevant terms used in the text have been aligned with other</p>

relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

comment

1591

comment by: *Euroairport Bâle-Mulhouse*Attachment [#210](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.C.045

Référence: ADR.OR.C.045 Use of alcohol and illicit or prescribed substances

Traduction de courtoisie
 It is proposed to amend the title as follows: "Use of alcohol and illicit or ~~prescribed~~ **prohibited** substances."
 Moreover, these rules are general rules made by the police authorities who have the power to enforce law and order, and not by the operator. Local rules such legal text enforcing law and order should be regarded as arrangements.
 Thus the UAF is proposing to amend as follows: "(a) An aerodrome operator shall ~~establish and promulgate~~ **have** a policy stating the requirements on consumption of alcohol and illicit or ~~prescribed~~ **prohibited** substances."

response

Noted

Illicit substances are prohibited. The established policy needs to be promulgated.

The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

comment

1639

comment by: *Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH*

(b)(1) change to:

"not consume alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety during their duty period."

(b)(2) change to:

"not perform any duties under the influence of alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety."

Only the establishment of a policy is possible for the Aerodrome Operator. Control of prescribed substances is not possible.

response

Noted

The suggested text in paragraph (b) (1) could be interpreted as allowing the consumption of alcohol during duty period, provided that it does not affect the abilities of the person. However, this is not the intent of the original draft rule.

With regard to the suggested text of paragraph (b)(2) the Agency has the view that there is no difference in the actual texts.

The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

comment 1718 comment by: Flughafen Graz Betriebs GmbH

(b)(1) change to:

"not consume alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety during their duty period."

(b)(2) change to:

"not perform any duties under the influence of alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety."

Only the establishment of a policy is possible for the Aerodrome Operator. Control of prescribed substances is not possible.

response *Noted*

The suggested text in paragraph (b) (1) could be interpreted as allowing the consumption of alcohol during duty period, provided that it does not affect the abilities of the person. However, this is not the intent of the original draft rule.

With regard to the suggested text of paragraph (b)(2) the Agency has the view that there is no difference in the actual texts.

The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

comment 1734 comment by: MST / STR - Stuttgart Airport

Part (a)

and (b) (2) (ii): "*prescribed substances*",that **may** have an effect...."

- With regard to **pharmaceutical products requiring prescription** this will be difficult to stipulate in a policy. In Germany we have a very broad range of such products which are subject to prescription.
- As a result a regulation like this in a policy could have impact on many employees which have to take such products or medicine on a regular basis. According to the normally enclosed leaflet these products - whatever the purpose or therapy may be - always **may** have multifarious effects physically (at least theoretically according to the conducted medical / clinical studies concerning these products).
- Thus under this regulation these persons - and the number of such employees will be significant - could no longer work or perform their duties on the aerodrome. Because if they have to take

medicine **that may** always have an effect (whatsoever).

- **How can this be distinguished in a policy in a practicable way??**
- **Therefore EASA should provide a clearer definition. Especially the wording "may have an effect" is not suitable in airport practice. This is indefinite.**

response *Noted*

The use of prescribed substances may also affect safety. The use of such substances is already regulated (e.g. Regulation "805/2011" on ATCO licensing).

comment

1817

comment by: UK CAA

Page No: 48

Paragraph No: ADR.OR.C.045

Comment: ADR.OR.C.045 refers to "alcohol and illicit or prescribed substances". Part CAT refers to "psychoactive substances or alcohol", which is also the term used in the essential requirements. The ATCO licensing regulation uses the term "psychoactive substance or medicine".

Justification: There should be consistency in the use of terminology across the different EASA requirements. The text should use terms already in place in ERs.

Proposed Text: e.g. "Use of psychoactive substances or medicine."

response *Partially accepted*

The term psychoactive substances and medicine have been introduced; however, the term alcohol will also remain in text.

comment

1897

comment by: Stansted Airport

ADR.OR.C.045 (a)

Support

After discussions in the rulemaking groups Stansted Airport supports this proposal.

response *Noted*

comment

1970

comment by: Aéroport de Marseille - MRS/LFML

It is proposed to amend the title as follows: "Use of alcohol and illicit or prescribed **prohibited** substances."

Moreover, these rules are general rules made by the police authorities who have the power to enforce law and order, and not by the operator. Local rules such legal text enforcing law and order should be regarded as arrangements.

Thus the UAF is proposing to amend as follows: "(a) An aerodrome operator shall ~~establish and promulgate~~ **have** a policy stating the requirements on consumption of alcohol and illicit or ~~prescribed~~ **prohibited** substances."

response *Noted*

Illicit substances are prohibited. The established policy needs to be promulgated.

The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

comment 2042 comment by: *Airport Operators Association*

ADR.OR.C.045 (a) Following the discussions in the rulemaking groups, AOA supports this proposal.

response *Noted*

comment 2170 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#211](#)

UAF NPA 2011-20 (B.I) ADR.OR.C.045

Référence: ADR.OR.C.045 Use of alcohol and illicit or prescribed substances

Traduction de courtoisie

It is proposed to amend the title as follows: "Use of alcohol and illicit or ~~prescribed~~ **prohibited** substances."

Moreover, these rules are general rules made by the police authorities who have the power to enforce law and order, and not by the operator. Local rules such legal text enforcing law and order should be regarded as arrangements.

Thus the UAF is proposing to amend as follows: "(a) An aerodrome operator shall ~~establish and promulgate~~ **have** a policy stating the requirements on consumption of alcohol and illicit or ~~prescribed~~ **prohibited** substances."

response *Noted*

Illicit substances are prohibited. The established policy needs to be promulgated.

The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

comment 2221 comment by: *ADBM - Aéroport de Bordeaux Merignac -*

BOD/LFBD

Attachment [#212](#)

ADB M - NPA 2011-20 (B.I) ADR.OR.C.045

Réf rence: ADR.OR.C.045

Use of alcohol and illicit or prescribed substances

Traduction de courtoisie

It is proposed to amend the title as follows: "Use of alcohol and illicit or ~~prescribed~~ prohibited substances."

Moreover, these rules are general rules made by the police authorities who have the power to enforce law and order, and not by the operator. Local rules such legal text enforcing law and order should be regarded as arrangements.

Thus the ADBM is proposing to amend as follows: "(a) An aerodrome operator shall ~~establish and promulgate~~ have a policy stating the requirements on consumption of alcohol and illicit or ~~prescribed~~ prohibited substances."

response *Noted*

Illicit substances are prohibited. The established policy needs to be promulgated.

The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

comment

2359

comment by: Pau Pyr n es Airport - PUF/LFBP

It is proposed to amend the title as follows: "Use of alcohol and illicit or ~~prescribed~~ prohibited substances."

Moreover, these rules are general rules made and controlled by the police authorities who have the power to enforce law and order, and not by the operator.

Local rules such legal text enforcing law and order could be regarded as arrangements but most of all as priority.

Thus Pau Pyrenees airport is proposing to amend as follows: "(a) An aerodrome operator shall ~~establish and promulgate~~ have a policy stating the requirements on consumption of alcohol and illicit or ~~prescribed~~ prohibited substances."

response *Noted*

Illicit substances are prohibited. The established policy needs to be promulgated.

The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

comment

2453

comment by: A roports De Lyon

Ces r gles sont prises par les autorit s de police (pr fet). L'exploitant n'a pas autorit  pour mener de tels contr les.

response	<p><u>Proposition</u>: L'exploitant peut mettre en place une politique dans ce sens mais en aucun cas s'assurer du respect de la législation en vigueur.</p> <p><i>Noted</i></p>			
comment	<p>2672 comment by: <i>HIA - Highlands and Islands Airports Limited</i></p> <p>C.040 (a) - Ensure that no person smokes within the movement area of the aerodrome</p> <p>C.045 all parts - Policy and requirements on drugs and alcohol</p>			
response	<p><i>Noted</i></p>			
comment	<p>2713 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i></p> <table border="1" data-bbox="384 801 1401 891"> <tr> <td data-bbox="384 801 619 891">ADR.OR.C.045 (a)</td> <td data-bbox="619 801 735 891">Support</td> <td data-bbox="735 801 1401 891">LJLA supports this but believes the UK may struggle to enforce for 3rd party providers</td> </tr> </table>	ADR.OR.C.045 (a)	Support	LJLA supports this but believes the UK may struggle to enforce for 3rd party providers
ADR.OR.C.045 (a)	Support	LJLA supports this but believes the UK may struggle to enforce for 3rd party providers		
response	<p><i>Noted</i></p>			
comment	<p>2743 comment by: <i>Aberdeen Airport Airside Operations</i></p> <p>(a) Support</p> <p>After discussion with the rulemaking groups BAA ABerdeen Airport supports this proposal</p>			
response	<p><i>Noted</i></p>			
comment	<p>2824 comment by: <i>Flughafen Klagenfurt</i></p> <p>(b)(1) change to:</p> <p>"not consume alcohol, illicit or prescribed substances that may have an effect on his/her abilities in a manner contrary to safety during their duty period."</p> <p>(b)(2) change to:</p> <p>"not perform any duties under the influence of alcohol, illicit or prescribed substances that may have an effect on this/her abilities in a manner contrary to safety."</p> <p>Only the establishment of a policy is possible for the Aerodrome Operator. Control of prescribed substances is not possible.</p>			
response	<p><i>Noted</i></p> <p>The suggested text in paragrpah (b) (1) could be interpreted as allowing the consumption of alcohol during duty period, provided that it does not affect the abilities of the person. However, this is not the intent of the</p>			

original draft rule.

With regard to the suggested text of paragraph (b)(2) The Agency believes that there is no difference in the actual texts.

The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".

comment	2922	comment by: <i>East Midlands Airport - EMA/EGNX</i>
	Support:	
	General consensus of support for this proposal.	
response	<i>Noted</i>	

comment	2943	comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>
	Référence: ADR.OR.C.045	Use of alcohol and illicit or prescribed substances
	Proposition/commentaire	<p>Il est proposé de modifier le titre de la manière suivante : "Use of alcohol and illicit or prescribed prohibited substances."</p> <p>Par ailleurs, ces règles sont des règles générales prises par les autorités de police et non pas par l'exploitant. Les règles locales type arrêté de police devraient être considérées comme des arrangements. Ainsi ACA propose de modifier comme suit: "(a) An aerodrome operator shall establish and promulgate have a policy stating the requirements on consumption of alcohol and illicit or prescribed prohibited substances."</p>
	Justification	
	Traduction de courtoisie	<p>It is proposed to amend the title as follows: "Use of alcohol and illicit or prescribed prohibited substances."</p> <p>Moreover, these rules are general rules made by the police authorities who have the power to enforce law and order, and not by the operator. Local rules such legal text enforcing law and order should be regarded as arrangements. Thus the ACA is proposing to amend as follows: "(a) An aerodrome operator shall establish and promulgate have a policy stating the requirements on consumption of alcohol and illicit or prescribed prohibited</p>

	substances.”
response	<p><i>Noted</i></p> <p>Illicit substances are prohibited. The established policy needs to be promulgated.</p> <p>The relevant terms used in the text have been aligned with other relevant requirements, so the terms "psychoactive substances" and "medicines" are now used instead of "illicit" and "prescribed".</p>
comment	<p>3003 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.C.045 (a)</p> <p>NWI supports this proposal.</p>
response	<i>Noted</i>
comment	<p>3269 comment by: <i>London Biggin Hill Airport</i></p> <p>ADR.OR.C.045 (a) We support this proposal</p>
response	<i>Noted</i>

ANNEX II - Part-OR - ADR.OR.D.005 — Management	p. 49-50
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comment	<p>38 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>6 (i) add "safety related" after "established"</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>
comment	<p>60 comment by: <i>Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)</i></p> <p>(b) 8 and 9 : Shall be restricted to all safety related operationall personnell.</p>

response	<i>Partially accepted</i>	
	The text reflects the text of Appendix 7 of Annex 14 on SMS, while management and maintenance and rescue and fire fighting personnel should also be involved in the implementation of an SMS. The text has been amended accordingly.	
comment	174	comment by: CAA-NL
	In (6) (i) we suggest to add 'safety related' after 'established, otherwise the scope of this paragraph is too wide and an unintended administrative burden could be introduced.	
response	<i>Noted</i>	
	The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.	
comment	191	comment by: Swedavia AB - Swedish airports (currently 11 airports)
	(6) (i) Add "safety related" after "established".	
response	<i>Noted</i>	
	The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.	
comment	198	comment by: Zürich Airport
	Please clearly separate safety management system from quality and security systems.	
	Please don't describe safety management system as "management system" (all in one) in paragraph (b) and change the headline in para. (b) in The safety management system shall include.	

response	<p><i>Noted</i></p> <p>The Basic Regulation Annex Va Section B (2) refers to Management systems. The safety management system is an element of the overall management system defined in paragraph (a). The management system related to the aeronautical data are dealt with in ADR.OR.D.007.</p>
comment	<p>221 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>(6) (i): The scope of the IRs is aerodrome safety. Ther is therefore an addition to make: "which may affect <u>safety related</u> established processes, procedures and services <u>of aerodromes operations</u>"</p> <p>(9) for the same reason, "all personnel" should be "all <u>relevant</u> personnel"</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>
comment	<p>305 comment by: <i>BAA Airside operations</i></p> <p>(b) (6) (i) Replace "established" with "safety related" This is better focussed on safety related processes, not all established processes, procedures and services at the airport (not all of which are safety related).</p> <p>(f) Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations" The proposed wording is far too broad in application and should be limited to the 2 activities being addressed.</p>
response	<p><i>Partially accepted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation. Paragraph (f) has been amended in the suggested direction.</p>

comment	<p>355 comment by: <i>Danish Transport Authority</i></p> <p>(6) (i) EDITORIAL: Insert "safety related" after ".....may effect established"</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>
comment	<p>408 comment by: <i>Edinburgh Airport</i></p> <p>ADR.OR.D.005 (6) (i) - Replace "established" with "safety related" Justification - This is better focussed on safety related processes, not all established processes, procedures and services at the airport are safety related.</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>
comment	<p>409 comment by: <i>Edinburgh Airport</i></p> <p>ADR.OR.D.005 (f) Delete "whole range of activities" and replace with "both air navigation services and aerodrome operations" Justification - The proposed wording is too broad in application.</p>
response	<p><i>Accepted</i></p> <p>The paragraph has been amended in this direction.</p>
comment	<p>454 comment by: <i>Brussels Airport - BRU/EBBR</i></p> <p>ADR.OR.D.005 & GM-ADR.OR.D.005</p> <p>Support to this text & the guidance material provided.</p>

	<p>But with my remark previously sent on "hard braking".</p> <p>Question : As for safety management systems, most is based on ICAO DOC9859, but is the contents of the future Annex 19 on SMS being considered as well (in case, this might differ substantially with Doc9859) ?</p>
response	<p><i>Noted</i></p> <p>. The Agency follows closely the works of ICAO on the development of Annex 19, which are not finalised.</p>
comment	<p>466 comment by: <i>Avinor</i></p> <p>ADR.OR.D.005 (6) (i). Add "safety related" after "established".</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>
comment	<p>571 comment by: <i>Flughafen Düsseldorf GmbH</i></p> <p>b) Der Begriff "formal process" macht nicht deutlich, was dies beinhaltet, sowie Detailgenauigkeit, Dokumentation, Archivierung, Frequenz der Durchführung etc. Wäre es ausreichend diesen Prozess im SMS Handbuch zu beschreiben um als "formal process" zu gelten? Zudem ist ein formaler Prozess zu unflexibel, um alle Gefahren erkennen zu können.</p> <p>(1) Hier muss entsprechend deutschem Recht unterschieden werden in die Verantwortlichkeit für Safety (Verkehrsleiter) und für das SMS (Safety Manager).</p> <p>(5) Dies erscheint insoweit problematisch, da es keine Vorgaben gibt und ebenso keine Vergleichbarkeit zwischen Flughäfen. ACI Benchmark wurde eingestellt. Woran kann man sich orientieren? Zudem: Verbesserung des Meldewesens führt u. U. zu einer Zunahme der relevanten Vorkommnisse. Zusätzlich ist eine Überprüfung der safety risk controls im täglichen Betrieb, in der Praxis, schwer darstellbar.</p> <p>(6) Wenn diese Aufgabe wirklich in der Verantwortung des Safetymanagers liegen sollte (muss nochmal klar herausgestellt werden), müsste das Safetymanagement in allen Entscheidungen eingebunden werden und über alle Entscheidungen informiert sein und diese formell bewerten. Dies ist unter Betrachtung der verschiedenen Abteilungen und Tochtergesellschaften/Drittanbietern/Dienstleistern und unter Berücksichtigung des Kosten-Nutzen Faktors kaum darstellbar. Wie sind "changes within the operator" definiert und bis zu welchem</p>

Detailierungsgrad sollten diese berücksichtigt werden?

(7) Wie sollte ein formaler Prozess zur Überprüfung der Effizienz eines Safety Managements genau aussehen? Hier bietet auch das ICAO Safety Management Manual (SMM) keine Hilfestellung. Auch ist nicht klar was ein „unter der Norm liegendes SMS“ ausmacht (Keine Definition einer Standard Performance). Dieser Punkt ist aufgrund der Häufung von Unwägbarkeiten zwingend in das GM zu verschieben.

(8) + (9) Die genaue Erklärung und Definition fehlt hier (Ist ein "on the job training" und die Kenntnis der Manuals ausreichend? Das darf nicht zu weit gehen um praktikabel zu bleiben. Wer ist dafür verantwortlich? Was ist mit "formal means for safety communication" gemeint?).

(10) Beide Themen haben in der Realität nur eine theoretische und eingeschränkte Schnittstelle (z.B. Bombendrohung oder Brand im Terminal nicht SMS). Wenn dies von Bedeutung ist, warum wird dies dann getrennt von den Aufgaben eines Safety Management gesehen?

d) Diese Funktion ist als zentrale Funktion bisher nicht vorhanden. Es muss klar sein, dass das nicht die Aufgabe des Safety Managers sein kann. Da mehr und mehr Unternehmen die Compliance im Sinne von "Anti-Korruptions-Beauftragten" sehen, ist dieses Aufgabenfeld genauer zu definieren um etwaige Verwechslungen auszuschließen.

(e) Hier wären Richtwerte hilfreich um die Aussage zu verdeutlichen, wie viele Personen werden empfohlen / welche Größe wird empfohlen / welche Proportionen Verkehr / SMS sind angemessen? **Bei den diffizilen Vorgaben kann das SMS gar nicht an die Größe des Airports angepasst werden, weil Standardaufgaben und Dokumentation einen massiven Mehraufwand darstellen und von allen Airports, unabhängig der Größe geleistet werden müssen.**

response *Noted*

This requirement is based on ICAO Annex 14 Appendix 7 on SMS and contains all SMS elements included therein.

A formal process, is a defined and documented process within the operator's SMS, which contains appropriate procedures. The flexibility of a process depends on how it is designed. As such, it could be included in a separate manual (SMM), which still is considered to be part of the aerodrome manual [see AMC1-ADR.OR.D.005(c) and AMC2-ADR.OR.D.005(c)].

The role of the safety manager and other nominated persons are distinct and defined in a separate requirement (ADR.OR.D.015).

Moreover, performance indicators and safety performance targets, as well as the validation of the effectiveness of the risk controls are essential parts of the safety assurance element of a SMS, which is contained in Appendix 7 of Annex 14. It is for the aerodrome operator to define its performance indicators and targets, in coordination with the competent authority. An improved reporting system can certainly lead to increased number of reported incidents, but it cannot lead to increase in incidents,

and this has also to be taken into the account when assessing the overall performance. The Agency believes that it is necessary to validate the effectiveness of safety risk controls, in order to ensure proper functioning of this SMS element.

With regard to the management change (paragraph (b)(6), the Agency agrees that indeed safety management should be integrated into relevant decision making. All changes, falling under the scope of this draft regulation, that may affect safety should be identified and assessed (see also ADR.OR.B.045). However, this does not mean that all changes are of the same magnitude or that they require the same depth of assessment.

With regard to the comment on paragraph (b) (7), a formal process containing the appropriate procedures should be defined and documented within the operator's SMS. The aerodrome operator is expected to design its processes, tailored to his own operation and needs. The Agency believes that there is no need to define the term "substandard performance".

With regard to the comments on paragraphs (b)(8) this requirement is an element of the aerodrome operator's SMS, aiming at ensuring that personnel are trained in order to fulfil their duties for the implementation and functioning of the SMS. Moreover, the requirements under paragraph (b)(9) address the issue of safety communication/lesson dissemination contained in Appendix 7 of Annex 14. Relevant AMC and GM have been included in the relevant draft Decision for both paragraphs reflecting the material contained in ICAO Doc 9859 (SMM).

The Agency does not share the view that there is a theoretical or limited interface; in fact the rules should be read through a different perspective, that is what is actually intended to be regulated by this draft Regulation. The content of paragraph (b) (10) is based on Appendix 7 of Annex 14.

The roles of the nominated persons, including the safety manager's, are specified in the ADR.OR.D.015. The role of the compliance monitoring manager is to ensure compliance with the requirements contained in this draft regulation as well as the requirements contained in the aerodrome manual.

It is the aerodrome operator that has to analyse all relevant parameters and demonstrate to the competent authority that the proposed SMS structure and organisation is adequate and suitable for the particular organisation.

comment	<p>585 comment by: <i>Belfast International Airport - BFS/EGAA</i></p> <p>(6) (i) Replace "established" with "safety related" This is better focussed on safety related processes, not all established processes, procedures and services at the airport (not all of which are safety related)</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope</p>

of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment 593 comment by: *Flughafen Düsseldorf GmbH*
6) i) Hier sollte der Begriff "safety related" ergänzt werden, um den Fokus auf das eigentliche Thema - safety relevante Prozesse - zu lenken.

response *Noted*
The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment 822 comment by: *Airport Nuremberg - NUE/EDDN*
The term "formal process" is too general. There is no indication, how a formal process is defined, what should be included, in which level of detail and under which assumption a process is referred to as formal. Further specification, regarding documentation, frequency, level of detail is needed.

response *Noted*
This requirement is contained in ICAO Annex 14 Appendix 7 on SMS. One could define a "formal process" as a defined and documented process within the operator's SMS, which contains appropriate procedures. The aerodrome operator is expected to design the processes, tailored to his own operation and needs.

comment 825 comment by: *Airport Nuremberg - NUE/EDDN*
(1) According to German legislation and the ICAO Annex 14, there should be a differentiation between the safety manager and other accountable managers. The phrase "a direct safety accountability of the accountable manager" is therefore misleading.

response *Partially accepted*
There is only one accountable manager. The role of the safety manager is defined in ADR.OR.D.015 and further clarified in the relevant AMC and GM. However, with regard to the accountable manager, the relevant text has

been amended to read "ultimate safety accountability".

comment	<p>829 comment by: <i>Airport Nuremberg - NUE/EDDN</i></p> <p>(5) There are up to date no specific guidelines on safety performance indicators and safety performance targets. Additionally there is no comparison of such parameters between airports. Furthermore can an improvement in the reporting system lead to an increase in the number of incidents, which would lead to a negative safety performance indicator, although the reporting has improved. The monitoring of safety risk controls is barely practical. This whole paragraph should be moved to the Guidance Material, because there are no definite specifications!</p>
response	<p><i>Noted</i></p> <p>Performance indicators and safety performance targets, as well as the validation of the effectiveness of the risk controls are essential parts of the safety assurance element of a SMS, which is contained in Appendix 7 of Annex 14. It is for the aerodrome operator to define its performance indicators and targets, in coordination with the competent authority. An improved reporting system can certainly lead to increased number of reported incidents, but it cannot lead to increase in incidents, and this has also to be taken into the account when assessing the overall performance</p>
comment	<p>849 comment by: <i>Airport Nuremberg - NUE/EDDN</i></p> <p>(6) If that task should be in the responsibility of the safety manager (it has to be defined who is really in response), the safety management would have to be integrated in all decisions and would also have to formally evaluate those. This is, especially taking into account the mass of departments, subsidiaries and other service providers and considering the cost-benefit ratio, barely possible. This should be moved to Guidance Material to reduce the disadvantageous burden on aerodrome operators.</p>
response	<p><i>Noted</i></p> <p>The elements contained in paragraph (b)(6) are essential parts of an SMS and are contained in Appendix 7 of Annex 14. The responsibilities of the Safety Manager and the other nominated persons are defined in ADR.OR.D.015 while relevant AMC clarify the means for showing compliance with the relevant requirement.</p>
comment	<p>857 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX II - Part-OR - ADR.OR.D.005 (b) (10) — Management (p49) <p><u>2. Justification and proposed text / comment</u></p> <p>The aerodrome emergency response plan has been included in the "Management", and is to be coordinated with the SMS. However, it is asked to coordinate the aerodrome emergency response plan with the ones of other entities.</p>

The aerodrome emergency response plan is, in France, managed and elaborated by A State representative in the region ("préfet"). There is one, associating other stakeholders at the aerodrome.

However, **an important point is lacking in ADR.OR.D.005 paragraph (b) (10): the coordination between the SMS of the aerodrome operator and the SMS of other entities at the aerodrome (airlines, ATC):** the SMS of the aerodrome operator will not run correctly if this coordination is not done.

Consequently, it is proposed to modify ADR.OR.D.005 (b) (10) as follows:

ADR.OR.D.005 (b) – Management

" [...]

(b) [...]

(10) coordination of the safety management system with the aerodrome emergency response plan; and coordination with the safety management system of other stakeholders at the aerodrome ~~of the aerodrome emergency response plan with the emergency response plans of those organisations it must interface with during the provision of its services.~~

[...]"

response *Noted*

The proposed text is based on the relevant text ICAO text contained in Appendix 7 of Annex 14. With regard to the issue of the coordination of safety related activities a separate requirement (ADR.OR.D.025) addresses this issue.

comment

863

comment by: *Union des Aéroports français - UAF*

Attachment [#213](#)

UAF NPA 2011-20 (B.I) ADR.OR.D.005 (b) (6) (i)

Référence: ADR.OR.D.005 (b) (6) (i)
« Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established processes, procedures and services. »

Traduction de courtoisie
It should be added: « Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established **safety related** processes, procedures and services. »
This involves procedures that may have safety implications, not all types of procedures that may exist on an airport.

response *Noted*

The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome

must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment	884 comment by: <i>Airport Nuremberg - NUE/EDDN</i>
	(7) How should a "formal process" for monitoring the efficiency of the safety management be defined? Even the ICAO Safety Management Manual (Doc. 9859) lacks specific guidelines on that matter! Additionally it is not clearly defined what exactly constitutes to a "substandard performance" of the safety management system. Due to the lack of clear definitions, the accumulation of imponderables and the arbitrariness in that paragraph it should be deleted or moved to the Guidance Material.
response	<i>Noted</i>
	This requirement is contained in ICAO Annex 14 Appendix 7 on SMS. One could define a "formal process" as a defined and documented process within the operator's SMS, which contains the appropriate procedures. The aerodrome operator is expected to design the processes, tailored to his own operation and needs. The Agency has the view that there is no need to define the term "substandard performance".
comment	901 comment by: <i>Airport Nuremberg - NUE/EDDN</i>
	(8) This should be moved to the Guidance Material due to the lack of detailed specification. It is not clear to what extend those parameters have to be implemented. It is to fear that misinterpretation leads to a massive amount of additional and disproportional complexity.
response	<i>Noted</i>
	This requirement is contained in ICAO Annex 14 Appendix 7 on SMS. The relevant AMC provide ways of compliance with this requirement.
comment	906 comment by: <i>Airport Nuremberg - NUE/EDDN</i>
	(d) The function of the compliance management has not existed up to today, neither in the German legislation nor in the ICAO regulations and recommendations. It must be clearly specified that this task is not in the responsibility of the safety manager. More and more companies define the compliance manager in the sense of "anti-corruption". Confusion in this point should be avoided.
response	<i>Noted</i>
	ADR.OR.D.005 describes the elements of the management system. The responsibilities of the nominated persons are defined in ADR.OR.D.015. The role of the safety manager is separate from that of the compliance monitoring manager, while the relevant AMC provide ways of compliance with the requirements.
comment	913 comment by: <i>Airport Nuremberg - NUE/EDDN</i>
	(e) Further specifications on how many persons, what size, what

proportion to traffic in order to determine the size of the management system for each organisation would be very helpful. Considering the much more detailed regulations of the EASA, the safety management most likely cannot be appropriate to the size of the organisation, since tasks independent of the amount of traffic (training of personnel, safety assessment etc.) have to be fulfilled. This is especially disadvantaging smaller and medium sized airports due to the small amount of staff and the massive amount of additional work!

response *Noted*

It is left up to the aerodrome operator to determine the size and complexity of their management system, which will have to be able to meet the relevant requirements.

comment 916

comment by: *Airport Nuremberg - NUE/EDDN*

§ The mixing of the currently separated areas Airport Operations / Traffic Management and Safety Management is evident in all present documents. Amongst others, this shows especially in the use of excerpts from the ICAO Safety Management Manual which are used in EASA documents and are not explicitly referring to SMS. The present task of the safety manager, too, i.e. the checking of compliance with national and international rules and recommendations, especially by means of internal audits, is not separately listed under the SMS.

The new bill introduces very complex rules – especially in the field of SMS – that exceed the existing requirements of ICAO’s Annex 14 or those of the German Law by far. In particular incomprehensible is the use of contents with no reference to other existing documents. The inclusion of detailed guidelines and text passages from ICAO’s Doc. 9859, which so far served as a guideline only, loads an increased demand of staff, financial means and time on to airports, which is out of all proportion to the benefit to be expected. Why are ICAO manuals transformed into AMCs in the field of SMS, while only into ICAO Standards and Recommendations in other fields? Here, it is imperative to create uniform and equal or fair regulations and transfer the content of the manuals to the Guidance Material. A higher degree of safety is not automatically achieved by means of an enormous increase of documentation and disproportionate growth of the number of tasks and analyses.

Additionally it should be noted that the referred passages from Document 9859 generally serve as a guideline while their character changes when used in the context of a set of rules. The content is partially far away from any operational practice or the current state of implementation at airports, and aside from this it is very abstract and vague. Moreover, it is questionable whether an uncritical copy makes sense in many cases.

The introduction of extensive and, in parts, obviously completely new rules for the hazard and risk assessment, safety performance, change management, training, communication, compliance etc. renders the fulfillment of such rules difficult for small and medium-size airports with the currently available number of staff, the financial resources and it is out of proportion to the size of companies. Since it was the ICAO Standards

and Recommendations which in principle served as the basis while the SMM so far was used as a guideline, only very few airports comply with these new requirements. Since these rules are phrased very inaccurately, too, and necessary additional comments and definitions are missing, it is absolutely necessary to transfer the contents from the AMCs into the GM!

Airports need more resources and longer time to implement the demanded rules and deal with the additionally required administrative work in detail (detailed preparation, review, documentation, communication, archiving, etc.). To meet the desired degree of accuracy when implementing the rules is definitively impossible with the available staff.

response *Noted*

The text of this requirement is based on the content of Appendix 7 of Annex 14, while proportionality of the management system is ensured via the requirements themselves as well as the related AMC and GM. The requirement for SMS is not a new requirement, while its application depends on the size and complexity of the organisation. Moreover, parts of the SMM ICAO Doc 9859 have been used as AMC or GM, when there was a need to develop relevant material. A separate requirement (ADR.OR.D.015) defines the relevant personnel requirements, including the duties of the safety manager.

comment *1013*

comment by: *Avinor*

ADR.OR.D.005 (f). Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations". The proposed wording is too broad in application and should be limited to the 2 activities being addressed.

response *Accepted*

The paragraph has been amended in this direction.

comment *1032*

comment by: *Dublin Airport Authority*

Ref "(b)-(6)-(i)

Replace "established" with "safety related" – This is better focussed on safety related processes as not all established processes, procedures and services at an airport are safety related.

response *Noted*

The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements

contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment

1081

comment by: MST / STR - Stuttgart Airport

1. Satz:

"shall implement and maintain a management system that includes a safety management system"

- Es bleibt unseres Erachtens unklar, ob sich Management System nur auf die Aeronautical Data bezieht oder umfassender verstanden werden muss.
- Vor allem Abschnitt (b) deutet darauf hin, dass darunter ein umfassendes Management System verstanden wird.
- **In der dazugehörigen AMC** wird die ISO 9001 als zulässiger Standard genannt. Die wenigsten Flughäfen dürften bisher eine solche Zertifizierung haben. Hier sollte in der AMC klar(er) gestellt werden, dass größere Flexibilität hinsichtlich der konkreten Ausgestaltung am Standort besteht.

response

Noted

ADR.OR.D.005 requires an aerodrome operator to have in place a management system that includes a safety management system. The content of paragraph (b) reflects the elements of the safety management system that has to be in place.

On the other hand, ADR.OR.D.007 focuses only on the issue of aeronautical data, and requires an aerodrome operator to implement a quality management system related to such activities. The AMC1-ADR.OR.D.005(a)(2) – Management (quality management system) was incorrectly linked to ADR.OR.D.005 and now has been linked to ADR.OR.D.007, that is to aeronautical data.

The abovementioned AMC, which considers an ISO 9001 certification as a means of compliance, is based on existing provisions; however an aerodrome operator may always request the use of an alternative means of compliance.

comment

1090

comment by: Bristol Airport - BRS/EGGD

ADR.OR.D.005(6)(i)	Replace "established" with "safety"	This is better focussed on safety related processes, not all established processes, procedures
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	related"	and services at the airport (not all of which are safety related)			
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>				
comment	<p>1091 comment by: Bristol Airport - BRS/EGGD</p> <table border="1"> <tr> <td>ADR.OR.D.005 (f)</td> <td>Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations"</td> <td>The proposed wording is far too broad in application and should be limited to the 2 activities being addressed.</td> </tr> </table>		ADR.OR.D.005 (f)	Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations"	The proposed wording is far too broad in application and should be limited to the 2 activities being addressed.
ADR.OR.D.005 (f)	Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations"	The proposed wording is far too broad in application and should be limited to the 2 activities being addressed.			
response	<p><i>Accepted</i></p> <p>The paragraph has been amended in this direction.</p>				
comment	<p>1100 comment by: NATS National Air Traffic Services Limited</p> <p>The proposed Article on "Management" is fully supported.</p>				
response	<p><i>Noted</i></p> <p>Thanks for this comment in support.</p>				
comment	<p>1152 comment by: ADP : Aeroports de Paris</p> <p>Référence: ADR.OR.D.005 (b) (6) (i)</p>				

« Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established processes, procedures and services. »

Il convient d'ajouter: « Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established safety related processes, procedures and services. »

Proposition/commentaire

Justification

Il s'agit ici de procédures pouvant avoir des conséquences sur la sécurité et non de tout type de procédure pouvant exister sur une plateforme aéroportuaire.

It should be added: « Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established safety related processes, procedures and services. »

This involves procedures that may have safety implications, not all types of procedures that may exist on an airport.

Traduction de courtoisie

response *Noted*

The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment *1184*

comment by: *Avinor*

ADR.OR.D.005 (6) (i). Modify to: «a formal process to identify changes within the aerodrome operators's certified organization and the aerodrome which may affect certified processes, procedures and services,».

response *Noted*

The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements

contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment	<p>1356 comment by: <i>Gatwick Airport Ltd</i></p> <p>(6)(i)</p> <p>Replace "established" with "safety related"</p> <p>Justification</p> <p>This is better focussed on safety related processes, not all established processes, procedures and services at the airport (not all of which are safety related)</p> <p>(f)</p> <p>Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations"</p> <p>Justification</p> <p>The proposed wording is far too broad in application and should be limited to the 2 activities being addressed.</p>
response	<p><i>Partially accepted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p> <p>Paragraph (f) has been amended in this direction.</p>
comment	<p>1357 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>ADR.OR.D.005 (f): In this case the aerodrome also needs to be certified as Air Navigation Service Provider, i.e. fulfil the requirements laid down in EC 1035/2011</p>
response	<p><i>Noted</i></p>

	<p>We suggest to replace "established" with "safety related" in ADR.OR.D.005 (6)(i). This will better focus on safety related processes at the airport. Not all established processes, procedures and services are safety related.</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>
comment	<p>1763 comment by: <i>Flughafen Graz Betriebs GmbH</i></p> <p>b- alle) Die Begriffsdefinition ‚formal process‘ macht nicht deutlich, was dies beinhaltet, sowie Detailgenauigkeit, Dokumentation, Archivierung, Frequenz der Durchführung etc. Wäre es ausreichend diesen Prozess im SMS Handbuch zu beschreiben um als ‚formal process‘ zu gelten?</p> <p>(1) Hier muss entsprechend deutschem Recht unterschieden werden in die Verantwortlichkeit für Safety und für das SMS (Safety Manager).</p> <p>(5) Dies erscheint insoweit problematisch, da es keine Vorgaben gibt und ebenso keine Vergleichbarkeit zwischen Flughäfen. ACI Benchmark wurde eingestellt. Woran kann man sich orientieren? Zudem: Verbesserung des Meldewesens führt u. U. zu einer Zunahme der relevanten Vorkommnisse. Zusätzlich ist eine Überprüfung der safety risk controls im täglichen Betrieb, in der Praxis, schwer darstellbar.</p> <p>(6) Wenn diese Aufgabe wirklich in der Verantwortung des Safetymanagers liegen sollte (muss nochmal klar herausgestellt werden), müsste das Safetymanagement in alle Entscheidungen eingebunden werden und über alle Entscheidungen informiert sein und diese formell bewerten. Dies ist unter Betrachtung der verschiedenen Abteilungen und Tochtergesellschaften/Drittanbietern/Dienstleistern und unter Berücksichtigung des Kosten-Nutzen Faktors kaum darstellbar. Wie sind ‚changes within the operator‘ definiert bis zu welchem Detailierungsgrad sollten diese berücksichtigt werden?</p> <p>(7) Wie sollte ein formaler Prozess zur Überprüfung der Effizienz eines Safety Managements genau aussehen? Hier bietet auch das ICAO Safety Management Manual keine Hilfestellung. Auch ist nicht klar was ein „unter der Norm liegendes SMS“ ausmacht (Keine Definition einer Standard Performance). → Dieser Punkt ist aufgrund der Häufung von Unwägbarkeiten unbedingt in das GM zu verschieben.</p> <p>(8) + (9) genaue Erklärung und Definition (Ist ein on the job training und die Kenntnis der Manuals ausreichend? + Was ist mit formal means for safety communication gemeint?)</p>

(10) Beide Themen haben in der Realität nur eine theoretische und eingeschränkte Schnittstelle (z.B. Bombendrohung oder Brand im Terminal nicht SMS). Wenn dies von Bedeutung ist, warum wird dies dann getrennt von den Aufgaben eines Safety Management gesehen?

d) Diese Funktion ist als zentrale Funktion bisher nicht vorhanden. Es muss klar sein, dass das nicht die Aufgabe des Safety Managers sein kann. Da mehr und mehr Unternehmen die Compliance im Sinne von ‚Anti-Korruptions-Beauftragten‘ sehen, ist dieses Aufgabenfeld genauer zu definieren um etwaige Verwechslungen auszuschließen.

(e) Hier wären Richtwerte hilfreich um die Aussage zu verdeutlichen, wie viele Personen werden empfohlen / welche Größe wird empfohlen / welche Proportionen Verkehr / SMS sind angemessen. **Bei den diffizilen Vorgaben kann das SMS gar nicht an die Größe des Airports angepasst werden, weil Standardaufgaben und Dokumentation einen massiven Mehraufwand darstellen und von allen Airports, unabhängig der Größe geleistet werden müssen.**

response *Noted*

This requirement is based on ICAO Annex 14 Appendix 7 on SMS and contains all SMS elements included therein.

A formal process, is a defined and documented process within the operator's SMS, which contains appropriate procedures. The flexibility of a process depends on how it is designed. As such, it could be included in a separate manual (SMM), which still is considered to be part of the aerodrome manual [see AMC1-ADR.OR.D.005(c) and AMC2-ADR.OR.D.005(c)].

The role of the safety manager and other nominated persons are distinct and defined in a separate requirement (ADR.OR.D.015).

Moreover, performance indicators and safety performance targets, as well as the validation of the effectiveness of the risk controls are essential parts of the safety assurance element of a SMS, which is contained in Appendix 7 of Annex 14. It is for the aerodrome operator to define its performance indicators and targets, in coordination with the competent authority. An improved reporting system can certainly lead to increased number of reported incidents, but it cannot lead to increase in incidents, and this has also to be taken into the account when assessing the overall performance. The Agency believes that it is necessary to validate the effectiveness of safety risk controls, in order to ensure proper functioning of this SMS element.

With regard to the management change (paragraph (b)(6), the Agency agrees that indeed safety management should be integrated into relevant decision making. All changes, falling under the scope of this draft regulation, that may affect safety should be identified and assessed (see also ADR.OR.B.045). However, this does not mean that all changes are of the same magnitude or that they require the same depth of assessment.

With regard to the comment on paragraph (b) (7), a formal process containing the appropriate procedures should be defined and documented

within the operator's SMS. The aerodrome operator is expected to design its processes, tailored to his own operation and needs. The Agency believes that there is no need to define the term "substandard performance".

With regard to the comments on paragraphs (b)(8) this requirement is an element of the aerodrome operator's SMS, aiming at ensuring that personnel are trained in order to fulfil their duties for the implementation and functioning of the SMS. Moreover, the requirements under paragraph (b)(9) address the issue of safety communication/lesson dissemination contained in Appendix 7 of Annex 14. Relevant AMC and GM have been included in the relevant draft Decision for both paragraphs reflecting the material contained in ICAO Doc 9859 (SMM).

The Agency does not share the view that there is a theoretical or limited interface; in fact the rules should be read through a different perspective, that is what is actually intended to be regulated by this draft Regulation. The content of paragraph (b) (10) is based on Appendix 7 of Annex 14.

The roles of the nominated persons, including the safety manager's, are specified in the ADR.OR.D.015. The role of the compliance monitoring manager is to ensure compliance with the requirements contained in this draft regulation as well as the requirements contained in the aerodrome manual.

It is the aerodrome operator that has to analyse all relevant parameters and demonstrate to the competent authority that the proposed SMS structure and organisation is adequate and suitable for the particular organisation.

comment

1818

comment by: UK CAA

Page No: 49-50**Paragraph No:** ADR.OR.D.005

Comment: The requirements in ADR.OR.D.005 on management follow to some extent the equivalent requirements in IRs already agreed for Aircrew and Operations, namely ORA.GEN.200 and ORO.GEN.200, but there are a number of differences. The balance between IR and AMC material is also different. These differences should be justified or resolved.

Justification: The UK CAA considers that consistent provisions should be used in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified. UK CAA asks that EASA consider aligning this provision more closely with provisions already agreed, and justifies any remaining differences. The UK believes that any provisions required in excess of the requirements in ORA and ORO.GEN should be included as AMC, not as IRs.

response

Noted

The text is based on the content of Appendix 7 of Annex 14, while it addresses the content of the essential requirements that refer to "management systems". Differences between the texts are kept to the minimum necessary, while they do not create additional impact on the

industry or the competent authorities.

comment	1820	comment by: UK CAA
	<p>Page No: 50</p> <p>Paragraph No: ADR.OR.D.005.(f)</p> <p>Comment: add word "also" in line 1.</p> <p>Justification: Clarification</p> <p>Proposed Text: " In the case that the aerodrome operator also holds a certificate to provide air navigation services,"</p>	
response	<p><i>Accepted</i></p> <p>The text has been amended accordingly.</p>	

comment	1834	comment by: Geneva International Airport (ROMIG)
	<p>ADR.OR.D.005 (6) (i) - Add "safety related" after "established".</p> <p>The safety assessment changes have to be related to safety related processes</p>	
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>	

comment	1846	comment by: ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen
	<p>See Comments</p> <ul style="list-style-type: none"> • B.I 3420 - 3430 • B.II 2615 - 2624 <p>Comments on ADR-OR Part II Comments in German: <u>Vermischung von Unternehmensbereichen</u></p>	

- In allen bisherigen Dokumenten wird eine Vermischung der derzeit getrennten Bereiche Airport Operations / Verkehrsleitung und Safety Management überaus deutlich. Dies zeigt sich unter anderem in der Verwendung von Auszügen aus dem ICAO Safety Management Manual, die in den EASA Parts nicht mehr mit explizitem Bezug zum SMS dargestellt werden. Auch die bisherige Aufgabe des Safety Managers, die Überprüfung der Konformität mit nationalen und internationalen Vorgaben und Empfehlungen, insbesondere mit Hilfe interner Audits, wird nicht gesondert unter dem SMS aufgeführt.
- Da es gerade bei größeren Flughafenbetreibern klarer Zuständigkeitsregelungen bedarf, wäre es hilfreicher a) die definitiven Zuständigkeiten bzw. Aufgabenbereiche deutlich mit der Funktion zu verbinden oder b) auf entsprechende, weiterführende Dokumente wie das Safety Management Manual der ICAO zu verweisen.
- Obwohl das Safety Management ursprünglich als neutrale und überwachende Einrichtung der Flughäfen implementiert wurde, hat es in der Formulierung der Vorgaben den Eindruck, als würden mehr der originären SMS Tätigkeiten wieder in Flughafenmanagement/die Verkehrsleitung rückgeführt und das SMS zum Reporting System gegenüber der Behörde umgewandelt.

Detailgenauigkeit

- Um die bis ins Detail geforderten Vorgaben auch mit dem dafür benötigten zusätzlichen Ausmaß an Bürokratismus (detaillierte Ausarbeitung, Betrachtung, Dokumentation, Kommunikation, Archivierung etc.) umsetzen zu können, benötigt der Airport zusätzliche Ressourcen und längere Bearbeitungszeiten. Eine Umsetzung der Vorgaben mit gewünschten Rahmenparametern und Formalitäten ist mit bestehendem Personal definitiv nicht umsetzbar.
- Gerade im Bereich SMS werden mit der neuen Gesetzesvorlage erstmals sehr diffizile Vorgaben eingeführt, die die bisherigen Anforderungen des ICAO Annex 14 oder der deutschen Gesetzgebung **um ein Vielfaches übersteigen**. Auch die Übernahme vieler detaillierter Vorgaben und Textpassagen aus dem ICAO Doc 9859, welches bisher nur als Leitfaden diente, bürdet den Flughäfen **einen personellen, finanziellen und zeitlichen Mehraufwand** auf, der in keinem Verhältnis zum generierten Nutzen steht. Warum werden im Bereich Safety Management ICAO Manuals in AMC's umgewandelt, in anderen Bereichen jedoch nur ICAO Standards und Recommendations? Hier sollte unbedingt eine **einheitliche und gleiche bzw. faire** Regelung geschaffen werden und die Inhalte des Manuals in das Guidance Material verschoben werden. **Durch einen massiven Mehraufwand an Dokumentation und einem unverhältnismäßigen Mehr an Aufgaben und Analysen ergibt sich kein Benefit an Sicherheit.**
- Die Begründung warum statt dem ICAO Annex 14 Standards oder Recommendations im Bereich SMS nahezu in Gänze auf das ICAO SMM Doc 9859 zurückgegriffen **wird fehlt**, die Übernahme dieser umfangreichen und vagen Vorgaben ist nicht nachvollziehbar
- Durch die Übernahme der detaillierten Vorgaben für Risiko- und Gefährdungsanalysen, Safety Performance, Change Management, Training, Communication, Compliance etc. wird deren Erfüllung gerade für kleine und mittelgroße Flughäfen **unmöglich mit bestehenden personellen und finanziellen Ressourcen** und ist unproportional zur Größe des Unternehmens. Da bisher nur ICAO Standards und Recommendations

fokussiert wurden und das SMM nur als Richtlinie diente, erfüllen die wenigsten Airports die neuen Forderungen. **Da diese zusätzlich sehr ungenau definiert sind, ist eine Verschiebung dieser in das GM zwingend erforderlich!**

Die hier aus dem Dokument 9859 entnommenen Passagen wurden allgemein eher als Leitfaden verstanden und bekommen durch die Verwendung im Regelwerk einen anderen Charakter. **Die Inhalte sind teilweise weit von der betrieblichen Praxis bzw. Umsetzungsstand an Flughäfen entfernt.** Zudem ist fraglich ob die uneingeschränkte Übernahme vielfach sinnvoll ist.

ADR.OR.D.005 – Management

REV

(a) The aerodrome operator shall implement and maintain a management system that includes a safety management system.

(b) The management system shall include:

(1) clearly defined lines of responsibility and accountability throughout the aerodrome operator, including a direct safety accountability of the accountable manager; [...]

(3) a formal process that ensures that hazards in operations are identified. [...]

(4) a formal process that ensures analysis, assessment and mitigation of the safety risks in aerodrome operations;

(5) the means to verify the safety performance of the aerodrome operator's organisation in reference to the safety performance indicators and safety performance targets of the safety management system, and to validate the effectiveness of safety risk controls;

(6) a formal process to:

(i) identify changes within the aerodrome operator's organisation and the aerodrome which may affect established processes, procedures and services,

(ii) describe the arrangements to ensure safety performance before implementing changes,

(iii) eliminate or modify safety risk controls that are no longer needed or effective due to changes in the operational

b- alle) Die Begriffsdefinition ‚formal process‘ macht nicht deutlich, was dies beinhaltet, sowie Detailgenauigkeit, Dokumentation, Archivierung, Frequenz der Durchführung etc. Wäre es ausreichend diesen Prozess im SMS Handbuch zu beschreiben um als ‚formal process‘ zu gelten?

(1) Hier muss entsprechend deutschem Recht unterschieden werden in die Verantwortlichkeit für Safety und für das SMS (Safety Manager).

(5) Dies erscheint insoweit problematisch, da es keine Vorgaben gibt und ebenso keine Vergleichbarkeit zwischen Flughäfen. ACI Benchmark wurde eingestellt. Woran kann man sich orientieren? Zudem: Verbesserung des Meldewesens führt u. U. zu einer Zunahme der relevanten Vorkommnisse. Zusätzlich ist eine Überprüfung der safety risk controls im täglichen Betrieb, in der Praxis, schwer darstellbar.

(6) Wenn diese Aufgabe wirklich in der Verantwortung des Safetymanagers liegen sollte (muss nochmal klar herausgestellt werden), müsste das Safetymanagement in alle Entscheidungen eingebunden werden und über alle Entscheidungen informiert sein und diese formell bewerten. Dies ist unter Betrachtung der verschiedenen Abteilungen und Tochtergesellschaften/Drittanbietern/Dienstleistern und unter Berücksichtigung des Kosten-Nutzen Faktors kaum darstellbar. Wie sind ‚changes within the operator‘ definiert bis zu welchem Detailierungsgrad sollten diese berücksichtigt werden?

<p>environment; (7) formal processes to review the management system referred to in paragraph (a), identify the causes of substandard performance of the safety management system, determine the implications of such substandard performance in operations, and eliminate or mitigate such causes; (8) a safety training programme that ensures that personnel are trained and competent to perform the safety management system duties; (9) formal means for safety communication that ensure that all personnel are fully aware of the safety management system, to convey safety critical information, and explain why particular safety actions are taken and why safety procedures are introduced or changed; (10) coordination of the safety management system with the aerodrome emergency response plan; and coordination of the aerodrome emergency response plan with the emergency response plans of those organisations it must interface with during the provision of its services. (c) The aerodrome operator shall document all management system key processes, including a process for making personnel aware of their responsibilities, and its amendment procedure. (d) The aerodrome operator shall establish a function to monitor compliance of the organisation with the relevant requirements and the adequacy of the procedures. Compliance monitoring shall include a feedback system of findings to the accountable manager to ensure effective implementation of corrective actions as necessary. (e) The management system</p>	<p>(7) Wie sollte ein formaler Prozess zur Überprüfung der Effizienz eines Safety Managements genau aussehen? Hier bietet auch das ICAO Safety Management Manual keine Hilfestellung. Auch ist nicht klar was ein „unter der Norm liegendes SMS“ ausmacht (Keine Definition einer Standard Performance). → Dieser Punkt ist aufgrund der Häufung von Unwägbarkeiten unbedingt in das GM zu verschieben. (8) + (9) genaue Erklärung und Definition (Ist ein on the job training und die Kenntnis der Manuals ausreichend? + Was ist mit formal means for safety communication gemeint?) (10) Beide Themen haben in der Realität nur eine theoretische und eingeschränkte Schnittstelle (z.B. Bombendrohung oder Brand im Terminal nicht SMS). Wenn dies von Bedeutung ist, warum wird dies dann getrennt von den Aufgaben eines Safety Management gesehen? d) Diese Funktion ist als zentrale Funktion bisher nicht vorhanden. Es muss klar sein, dass das nicht die Aufgabe des Safety Managers sein kann. Da mehr und mehr Unternehmen die Compliance im Sinne von ‚Anti-Korruptions-Beauftragten‘ sehen, ist dieses Aufgabenfeld genauer zu definieren um etwaige Verwechslungen auszuschließen. (e) Hier wären Richtwerte hilfreich um die Aussage zu verdeutlichen, wie viele Personen werden empfohlen / welche Größe wird empfohlen / welche Proportionen Verkehr / SMS sind angemessen. Bei den diffizilen Vorgaben kann das SMS gar nicht an die Größe des Airports angepasst werden, weil Standardaufgaben und Dokumentation einen massiven Mehraufwand darstellen und von allen Airports, unabhängig der Größe geleistet werden müssen.</p>
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<p>shall be proportionate to the size of the organisation and its activities, taking into account the hazards and associated risks inherent in these activities.</p> <p>(f) In the case that the aerodrome operator holds a certificate to provide air navigation services, it shall ensure that the management system covers the whole range of activities.</p>	
<p>AMC1-ADR.AR.C.035(a)(2) – Issuance of certificate SAFETY ASSESSEMENTS PROVIDED BY THE AERODROME OPERATOR</p> <p>(a) The competent authority should validate the conclusion of a safety assessment, provided by the aerodrome operator to ensure compliance with the applicable requirements (see ADR.OR.B.065).</p> <p>(b) The competent authority should analyse the safety assessment and in particular make sure that:</p> <ul style="list-style-type: none"> – the identified safety concern(s) has/have been assessed through the safety assessment process and is/are adequately documented. – an appropriate coordination has been performed between the parties affected by the safety concern(s); – the assessment covers the whole system and the interactions of its elements; – the hazards have been properly identified and the level of risk assessed; – the proposed mitigation measures are adequate and consistent with the objective of reducing the identified level of risk and the safety objectives, if relevant; – the timeframes of the planned implementation of the any associated actions are appropriate. <p>(c) The competent authority should either:</p>	<p>Ist der Bezug hier wirklich richtig? Muss jedes Safety Assessment der Behörde zugesendet werden, ab wann muss ein Safety Assessment gemacht werden?</p> <p>Es muss klare Vorgaben geben, wie ein Assessment auszusehen hat und ob hierzu Gutachter beauftragt werden müssen. Diese Funktion ist bisher in dieser Form nicht vorhanden. Es muss klar sein, dass das nicht die Aufgabe des Safety Managers sein kann.</p> <p>Im ICAO SMM ist lediglich von risk assessment die Rede. Dies ist auch eher als konzerninternes Mittel zur Beurteilung und Bewertung von Gefährdungen und Risiken zu sehen und keinesfalls als Meldewesen an die jeweilige Aufsichtsbehörde. Dies würde dem Gedanken des SMS – Probleme intern offen zu behandeln und zu beseitigen entgegenstehen. Auch die genaue Kontrolle und Beurteilung des Safety Assessment durch die Behörde bürdet dem SMS einen Zwang zur genauen Meldung und Einhaltung auf, was dem offenen Safety Gedanken nicht gerade dienlich ist. Die unter b) gelisteten Aufgaben entsprechen laut SMM eher den Aufgaben der Safety Action Group, nicht den Aufgaben der Aufsichtsbehörde. Auch der Fakt, dass ein Safety Assessment, sofern man es analog SMM verstehen will, vorab von der Behörde genehmigt werden muss, ist nicht gerade effizient. Insbesondere wenn es darum geht Safety Mängel schnellst möglichst zu beseitigen, kann es bei Einbindung und vorheriger Genehmigung durch die Aufsichtsbehörde zu kritischen Zeitverzögerungen kommen !</p>

<ul style="list-style-type: none"> - give approval to the aerodrome operator for the safety assessment and the proposed associated actions, such as mitigation measures; - coordinate with the aerodrome operator to reach an agreement on revised mitigation measures if some risks have been underestimated or have not been identified; , or - impose additional measures or reject the proposal if no agreement can be reached. 	
<p>AM 1- ADR.OR.B.045(a) – Assessment of changes SAFETY ASSESSEMENT FOR A CHANGE A safety assessment for a change should include:</p> <ul style="list-style-type: none"> (a) identification of the scope of the change; (b) identification of hazards; (c) determination of the safety criteria applicable to the change; (d) risk analysis in relation to the harmful effects or improvements in safety related to the change; (e) risk evaluation and, if required, risk mitigation for the change to meet the applicable safety criteria; (f) verification that the change conforms to the scope that was subject to safety assessment and meets the safety criteria; and (g) the specification of the monitoring requirements necessary to ensure that the aerodrome and its operation will continue to meet the safety criteria after the change has taken place. 	<p>Wer sollte das Assessment machen? Ist eine Bewertung durch interne Mitarbeiter ausreichend oder muss sich der Flughafen externer Gutachter bedienen? Generell stellt sich die Frage nach der Auslegung der Begrifflichkeit Safety Assessment (SMM- internes Dokument statt Rechtfertigung gegenüber der Aufsichtsbehörde! – s.o.)</p>
<p>AMC 1-ADR.OR. D.005(b)(1) – Management SAFETY MANAGEMENT SYSTEM The safety management system of an aerodrome operator should include an organisational structure for the management of safety proportionate and appropriate to the size of the organisation and the nature and type of operations. Clearly defined lines</p>	<p>In wie fern machen Safety Office und Safety Review Board in der beschriebenen Aufgabenfülle bei kleineren und mittelgroßen Flughäfen Sinn? Forderung wird danach gleich entkräftet durch „or similar“. Hier kann auch nicht mit einer Studie oder einem Gutachten ermittelt werden, ob ein ähnlich praktiziertes System analog funktioniert oder eben nicht. Auch hier</p>

<p>of responsibilities, authorisations and accountabilities within the organisation should be identified. Depending on the organisational complexity and structure, this should include a Safety Services Office and a Safety Review Board or similar.</p> <p>(a) Safety Services Office</p> <p>(1) The Safety Services Office should be independent and neutral in terms of the processes and decisions made regarding the delivery of services by the line managers of operational units;</p> <p>(2) The function of the Safety Services Office should be to:</p> <p>(i) manage and oversee the hazard identification system;</p> <p>(ii) monitor safety performance of operational units directly involved in aerodrome operations;</p> <p>(iii) advise senior management on safety management matters; and</p> <p>(iv) assist line managers with safety management matters;</p> <p>(3) Operators of multiple aerodromes should either establish a central Safety Services Office and appropriate safety departments/functions at all aerodromes or separate Safety Services Office at each aerodrome. Arrangements should be made to ensure continuous flow of information and adequate coordination.</p> <p>(b) Safety Review Board</p> <p>(1) The Safety Review Board should be a high level committee that considers matters of strategic safety in support of the accountable manager's safety accountability;</p> <p>(2) The board should be chaired by the accountable manager and be composed of heads of functional areas;</p> <p>(3) The Safety Review Board should monitor:</p> <p>(i) safety performance against the safety policy and objectives;</p> <p>(ii) that any safety action is taken in a timely manner; and</p>	<p>müsste man zunächst ermitteln wie groß der Nutzen der beschriebenen Verfahren ist und dann ermitteln ob das analoge, von kleineren und mittelgroßen Airports praktizierte System diesen Nutzen auch bieten kann. Dies zu beweisen wäre sicherlich sehr kosten- und zeitaufwendig. → Daher gilt weiterhin die Verschiebung der SMS AMCs als GM. Mit all den genauen und detaillierten Forderungen in dieser Form ist eine Umsetzung als AMC gar nicht möglich bei Erhalt des Aufwand-Nutzen Verhältnisses.</p>
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<p>(iii) the effectiveness of the organisation's safety management system</p> <p>(4) The Safety Review Board should ensure that appropriate resources are allocated to achieve the established safety performance.</p> <p>(5) Operators of multiple aerodromes should ensure that all aerodromes are represented in the Safety Review Board, at the appropriate management level.</p>	
<p>AMC1-ADR.OR.D.005(b)(4) – Management</p> <p>SAFETY RISK ASSESSMENT AND MITIGATION</p> <p>(a) A formal safety risk assessment and mitigation process should be developed and maintained that ensures analysis (in terms of probability and severity of occurrence), assessment (in terms of tolerability) and control (in terms of mitigation) of risks.</p> <p>(b) The levels of management who have the authority to make decisions regarding the tolerability of safety risks, in accordance with (a) above, should be specified in the aerodrome manual.</p> <p>Further guidance on safety risk assessment mitigation is contained in ICAO Doc 9859.</p>	<p>Auch bei den Forderungen bezüglich des Safety Risk Assessment ist keine Genauigkeit und viel Raum für Interpretation gegeben. Welches Management Level sollte entscheiden, ob ein Sicherheitsrisiko tolerabel ist oder nicht? Vielleicht noch der betroffene Abteilungsleiter selbst? Auch die Auflistung dieser Bereiche oder Namen sollte nicht in diesem Detail im Flughafenhandbuch veröffentlicht werden. Gerade hier gibt es unterschiedliche Strukturen bei den Flughäfen, die auch so beibehalten werden sollten. An manchen wird die Entscheidung und Risikobewertung durch gemeinsamen Konsens erreicht, andere hingegen übernehmen die Aufgabe im Rahmen des SMS. Dies sollte auch künftig so bleiben, da durch die EASA Regelung ggf. eine Verschlechterung eintreten kann. → Auch hier empfiehlt sich die Verschiebung in das GM.</p>
<p>AMC1-ADR.OR.D.005(b)(5) – Management</p> <p>SAFETY PERFORMANCE MONITORING AND MEASUREMENT</p> <p>(a) Safety performance monitoring and measurement should be the process by which the safety performance of the operator is verified in comparison to the safety policy and objectives, identified safety risks and the mitigation measures.</p> <p>(b) This process should include:</p> <p>(1) safety reporting;</p>	<p>Bisher ist ein Safety Performance Monitoring noch nirgends gefordert, da dies nicht praktiziert wird und es auch bis Dato keine Richtwerte gibt ist fraglich, wie eine genaue Durchführung erfolgen soll.</p> <p>Die Überprüfung stellt allein eine Unverhältnismäßigkeit dar, weil man nur prüfen kann, was man vorher aufwändig überwacht und erfasst. Was soll als Safety Performance Indikator zulässig und vergleichbar sein?</p>

<p>(2) safety studies, which are rather large analyses encompassing broad safety concerns;</p> <p>(3) safety reviews including trends reviews, which are conducted during introduction and deployment of new technologies, change or implementation of procedures, or in situations of structural change in operations, or to explore increase in incidents or safety reports;</p> <p>(4) safety audits which focus in the integrity of the operator's management system, and periodically assess the status of safety risk controls;</p> <p>(5) safety surveys, which examine particular elements or procedures of a specific operation, such as problem areas or bottlenecks in daily operations, perceptions and opinions of operational personnel and areas of dissent or confusion;</p> <p>(6) internal safety investigations, whose scope should extend the scope of occurrences required to be reported to the competent authority; an</p> <p>(7) setting safety performance indicators and measuring performance against them.</p>	<p>Auch die Durchführung von Safety-Studien und Safety-Umfragen stellt die Flughäfen vor Probleme. Wie und wo sollten diese durchgeführt werden? Hier ist mit einem vernünftigen Reporting System ohnehin schon die Möglichkeit gegeben, safety-kritische Vorkommnisse zu melden. Wozu noch diffizile Studien und Umfragen, die Personal, Zeit und finanzielle Mittel binden (bei kleineren Airports auch kaum praktikabel sein dürften) mit einem mehr als fragwürdigen Ergebnis. Eine Umfrage hat keinen Einfluss auf die Verbesserung der Betriebssicherheit, die Nachbereitung von Vorkommnissen und Schäden schon. Der Fokus sollte eindeutig auf der Überwachung der Prozesse liegen, nicht auf der Effizienz des SMS selbst!</p> <p>Im ICAO SMM werden Schadensraten und Flugzeugabstürze als performance indicators genannt. Hier hat das SMS keinen unmittelbaren Einfluss, ist aber in der Bringschuld → Allerhöchstens im GM!</p>
<p>AMC1-ADR.OR.D.005(b)(6) – Management THE MANAGEMENT OF CHANGE The aerodrome operator should manage safety risks related to a change. The management of change should be a documented process to identify external and internal change that may have an adverse effect on safety. It should make use of the aerodrome operator's existing hazard identification, safety risk assessment and mitigation processes. For assessment of changes ADR.OR.B.045 and its related AMCs also apply.</p>	<p>Sollte dies eine Aufgabe des SMS sein (nicht eindeutig definiert) ist unklar, wie das SMS alle Änderungen am Flughafen betrachten und bewerten soll? Dies ist nicht nur unverhältnismäßig, sondern auch unrealistisch! Alle Entscheidungen, Änderungen und neue Verfahren müssten vorab durch das SMS gesichtet werden → Massiver Mehraufwand in Zeit, Personal und damit auch höhere Kosten. Hier ist mit dem ICAO SMM eine klare Empfehlung eine Guidance gegeben. Wie sollen kleine und mittelgroße Flughäfen dies mit einem halbwegs praktikablen Aufwand durchführen können?</p>

<p>AMC1-ADR.OR.D.005(b)(8) – Management TRAINING</p> <p>(a) The aerodrome operator should establish a safety training programme to all staff, regardless of their level in the organisation.</p> <p>(b) The safety training programme should consist of the following:</p> <p>(1) a documented process to identify training requirements for each area of activity within the aerodrome organisation, and track completion of required training;</p> <p>(2) a validation process that measures the effectiveness of training; (3) initial job-specific training;</p> <p>(4) induction/initial training incorporating safety management system, including Human Factors and organisational factors; and</p> <p>(5) recurrent safety training.</p> <p>(c) A training file should be developed for each employee, including management, to assist in identifying and tracking employee training requirements and verifying that personnel have received the planned training.</p> <p>(d) The aerodrome operator should specify initial and recurrent safety training standards for operational personnel, managers and supervisors, senior managers and the accountable manager. The amount and level of detail of safety training should be appropriate to the individual's responsibility and involvement in the SMS.</p> <p>(e) The aerodrome operator should specify safety training responsibilities, including contents, frequency, validation and safety training records management.</p> <p>(f) The information provided in points (d) and (e) above should be included in the aerodrome manual.</p>	<p>Viel zu detailliert! Generelles Safety Training wäre ok, dann können Flughäfen das Training entsprechend ihrer Größe aufbauen und umsetzen (Bsp. generell im Rahmen der Security Schulung oder CBT). Hier wären allein 2-3 Mitarbeiter zusätzlich notwendig, um jeden Bereich des Flughafens neu und alt kontinuierlich in diesem Detailgrad zu schulen. Für eine Organisation kleinerer oder mittlerer Größenordnung ist dies keinesfalls gerechtfertigt.</p> <p>Eher unwahrscheinlich ist, dass der Nutzen der Durchführung personenbezogener Schulungen (appropriate individual's responsibility and involvement in SMS) den zusätzlichen personellen und zeitlichen Aufwand der Erstellung rechtfertigt.</p>
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<p>AMC1-ADR.OR.D.005(d) – Management COMPLIANCE MONITORING GENERAL (a) The implementation and use of a compliance monitoring function should enable the aerodrome operator to monitor compliance with the relevant requirements of this Part, Part-ADR.OPS and any other applicable requirements. (1) The aerodrome operator should specify the basic structure of the compliance monitoring function applicable to the activities conducted; (2) The compliance monitoring function should be structured according to the size of organisation and the complexity of the activities to be monitored, including those which have been sub-contracted. (b) An aerodrome operator should monitor compliance with the procedures it has designed to ensure safe activities. In doing so, an aerodrome operator should as a minimum, and where appropriate, monitor: (1) organisational structure; (2) plans and objectives; (3) privileges of the organisation; (4) manuals, logs and records; (5) training standards; (6) required resources; and (7) management system. The reporting of such third parties should be done irrespectively of any other requirements according to which they have to report to the competent authority of the aerodrome or the state of registry of the aircraft involved, or any other competent authority in the context of the national occurrence reporting programme.</p>	<p>Hierfür kann nicht der Safety Manager zuständig sein. Das muss deutlich werden, um Diskussionen zu vermeiden und die rechtlichen Grundlagen zu wahren. Hier muss zusätzlich zum SMS ein Compliance Beauftragter geschaffen werden, der kontinuierlich die Flughafenprozesse mit den rechtlichen Vorgaben abgleicht (eigentlich müsste man dafür einen Juristen einstellen). Viele Tätigkeiten überschneiden sich allerdings mit denen des Safety Managers → Wiedermal für kleine und mittelgroße Airports mehr Kosten verbunden mit einem geringen Nutzen.</p> <p>Compliance Monitoring ist weder im Annex 14, dem DOC 9859 und der EU-RL 1108/2009 zu finden. Mit der Phrase „and any other applicable requirements“ wird hier eher der Bezug zur Rechtskonformität als der Abgleich mit safety-relevanten Prozessen initiiert. Auch ist unklar in wie fern der Flughafen die Verantwortung der Rechtskonformität für vertraglich vergebene Verfahren haben sollte (sub-contracted).</p> <p>Da mehr und mehr Unternehmen die Compliance im Sinne von ‚Anti-Korruptions-Beauftragten‘ sehen dieses Aufgabenfeld genauer zu definieren um etwaige Verwechslungen auszuschließen.</p>
response	<p><i>Noted</i></p> <p>See replies to comments 3420 up to 3430.</p>

comment	<p>1900 comment by: <i>Stansted Airport</i></p> <p>ADR.OR.D.005(6)(i)</p> <p>Replace "established" with "safety related"</p> <p>This is better focussed on safety related processes, not all established processes, procedures and services at the airport (not all of which are safety related)</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>
comment	<p>1915 comment by: <i>Stansted Airport</i></p> <p>ADR.OR.D.005 (f)</p> <p>Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations"</p> <p>The proposed wording is far too broad in application and should be limited to the 2 activities being addressed.</p>
response	<p><i>Accepted</i></p> <p>The paragraph has been amended in this direction.</p>
comment	<p>1971 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>It should be added: « Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established safety related processes, procedures and services. »</p> <p>This involves procedures that may have safety implications, not all types of procedures that may exist on an airport.</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to</p>

	<p>related processes, procedures and services. » This involves procedures that may have safety implications, not all types of procedures that may exist on an airport.</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>
comment	<p>2185 comment by: CAA CZ</p> <p>Comment by Karlovy Vary airport We proposed modified wording of following paragraph : ADR.OR.D.005 – Management (d) The aerodrome operator shall establish a Quality Management System or a function to monitor compliance of the organisation with the relevant requirements and the adequacy of the procedures. Compliance monitoring shall include a feedback system of findings to the Accountable manager to ensure effective implementation of corrective actions as necessary.</p>
response	<p><i>Noted</i></p> <p>Compliance monitoring is a quality assurance function, which is part of the overall management system of the aerodrome.</p>
comment	<p>2222 comment by: ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</p> <p>Attachment #216</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OR.D.005 (b) (6) (i)</p> <p>Référence: ADR.OR.D.005 (b) (6) (i) « Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established processes, procedures and services. »</p> <p>Traduction de courtoisie It should be added: « Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established safety related processes, procedures and services. » This involves procedures that may have safety implications, not all types of procedures that may exist on an airport.</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements</p>

contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment	2308	comment by: <i>Munich Airport International</i>
	(6)(i) See Comments on OR Part II	
response	<i>Noted</i>	

comment	2356	comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i>
	<p>It should be added: « Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established safety related processes, procedures and services. »</p>	
	<p>This involves procedures that may have safety implications, not all types of procedures that may exist on an airport.</p>	
response	<i>Noted</i>	
	<p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>	

comment	2416	comment by: <i>Dublin Airport Authority</i>
	<p>Replace "established" with "safety-related" – This is better focussed on safety-related processes, as not all established processes, procedures and services at an airport are safety-related.</p>	
response	<i>Noted</i>	
	<p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome</p>	

must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment 2456 comment by: *Aéroports De Lyon*

"Identify changes within the aerodrome operator's organization and the aerodrome which may affect established processes, procedures and services"

S'agit t-il de toutes les procédures en vigueur sur un aérodrome?

Proposition: rajouter "Identify changes within the aerodrome operator's organization and the aerodrome which may affect established **safety related** processes, procedures and services"

response *Noted*

The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment 2500 ❖ comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.B.005 — Management system (p20)
- ANNEX I - Part-AR - Appendix I to ADR.AR.C.035 — Certificate (p32-33)
- ANNEX I - Part-AR - Appendix II to ADR.AR.C.035 — Certificate (p34 to 36)
- ANNEX II - Part-OR -ADR.OR.D.005 — Management (p49-50)

The above rules are affected and should be revised, however, this list could not be considered exhaustive: related AMCs should be revised accordingly

2. Justification and proposed text / comment

This comment is critical and linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)

Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections *in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*" Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with

Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States nor the operators to have **a specific function to monitor compliance**.

Nobody should not respect regulation and law, this function has no added value.

Moreover, for the aerodrome operator, the function to "monitor compliance" in already dealt with within their SMS, but a specific function is not necessary.

It is asked to EASA to delete the notion of compliance monitoring for both aerodrome operators and authorities. The above rules are affected and should be revised, however, this list could not be considered exhaustive

Consequently it is proposed to:

- **delete sub paragraphs (a) (4) and (a) (5) in ADR.AR.B.005 – Management system**
- **delete the reference to "compliance monitoring" in Appendices I and II to ADR.AR.C.035 – Certificate;**
- **delete sub paragraph (d) in ADR.OR.D.005 – Management;**

response *Noted*

The functions of compliance monitoring and safety management are 2 distinct functions, serving different purposes. Compliance monitoring serves also the need to ensure that internal procedures and requirements are adhered to, and to identify room for improvement of the management system.

comment

2531

comment by: *Shannon Airport*

b)-(6)-(i) Replace "established" with "safety related" – This is better focussed on safety related processes as not all established processes, procedures and services at an airport are safety related.

response

Noted

The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment	<p>2626 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Document Reference: Annex II – Part OR (BI)</p> <p>Page No: 49</p> <p>Paragraph No: ADR.OR.D.005(6)(i)</p> <p>Comment This is better focussed on safety related processes, not all established processes, procedures and services at the airport (not all of which are safety related). Replace “established” with “safety related”</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording (“safety related”), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>
comment	<p>2627 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Document Reference: Annex II – Part OR (BI)</p> <p>Page No: 50</p> <p>Paragraph No: ADR.OR.D.005(f)</p> <p>Comment The proposed wording is far too broad in application and should be limited to the 2 activities being addressed. Delete “the whole range of activities” and replace with “both air navigation services and aerodrome operations”</p>
response	<p><i>Accepted</i></p> <p>The paragraph has been amended in this direction.</p>
comment	<p>2673 comment by: <i>HIA - Highlands and Islands Airports Limited</i></p> <p>D.005 - Establish and maintain a Safety Management System - fully support establishing and maintaining such a system. However, items should be better focussed on safety related processes and procedures (as not all procedures are safety related)</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome</p>

must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment 2714 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.D.005(6)(i)	Replace "established" with "safety related"	This is better focussed on safety related processes, not all established processes, procedures and services at the airport (not all of which are safety related)
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response *Noted*

The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment 2715 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.D.005 (f)	Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations"	The proposed wording is far too broad in application and should be limited to the 2 activities being addressed.
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response *Accepted*

The paragraph has been amended in this direction.

comment 2744 comment by: *Aberdeen Airport Airside Operations*

(6) (i) - replace "established" with "safety related"

this is better focussed on safety related processes, not all established processes, procedures and services at the airport (not all are safety related)

(f) Delete " the whole range of activities" and replace with "both air navigation services and aerodrome operations"

The proposed wording is far too broad in application and should be limited to the 2 activities being addressed

response *Partially accepted*

The competences of the Agency and therefore the scope of this draft

Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation. With regard to the comment on paragraph (f) the paragraph will be amended in this direction.

comment	2896 comment by: <i>IDRF e.V. (association of regional airports)</i>
	The complete Subpart D - Management is too detailed and stringent, the IR have to be more generic and details has to be moved to AMC. IDRF is aware of relating comments from ADV and BAA; we share these opinions and request EASA to revise this subpart.
response	<i>Noted</i>
	Subpart D outlines the framework for a management system and is in accordance with the framework for SMS as it appears in ICAO Annex 14 Appendix 7. Moreover, the Agency has the view that the text of the requirements in combination with the relevant AMC and GM provide the necessary flexibility for aerodrome operators.
comment	2898 comment by: <i>Aéroports De Lyon</i>
	<p>Paragraph (d) Il n'y a aucune valeur ajoutée pour la sécurité à désigner une fonction spécifique au contrôle réglementaire, chaque organisation doit pouvoir s'organiser comme il l'entend, de la manière la plus efficace possible.</p> <p><u>Proposition:</u> Les détails de ce paragraphe doivent être déplacer en GM.</p>
response	<i>Noted</i>
	Compliance monitoring serves the need to ensure that internal procedures as well as the overall requirements are adhered to, and to identify room for improvement of the management system. It is up to the individual aerodrome operator to define how such a function is going to be designed.
comment	2899 comment by: <i>Aéroports De Lyon</i>
	<p>Paragraphe (b) (8) Quel personnel?</p> <p><u>Proposition:</u> Préciser "The operator's safety related personnel"</p>
response	<i>Accepted</i>
	The paragraph has been amended in this direction.

comment	<p>2927 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(6)(i) Replace "established" with "safety related"</p> <p>Justification: This is better focussed on safety related processes, not all established processes, procedures and services at the airport. (Not all of which are safety related)</p>								
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>								
comment	<p>2929 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(f) Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations"</p> <p>Justification: The proposed wording is far too broad in application and should be limited to the 2 activities being addressed.</p>								
response	<p><i>Accepted</i></p> <p>The paragraph has been amended in this direction.</p>								
comment	<p>2944 comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i></p> <table border="1" data-bbox="383 1344 1396 2004"> <tr> <td data-bbox="383 1344 805 1523">Référence: ADR.OR.D.005 (b) (6) (i)</td> <td data-bbox="805 1344 1396 1523">« Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established processes, procedures and services. »</td> </tr> <tr> <td data-bbox="383 1523 805 1724">Proposition/commentaire</td> <td data-bbox="805 1523 1396 1724">Il convient d'ajouter: « Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established safety related processes, procedures and services. »</td> </tr> <tr> <td data-bbox="383 1724 805 1904">Justification</td> <td data-bbox="805 1724 1396 1904">Il s'agit ici de procédures pouvant avoir des conséquences sur la sécurité et non de tout type de procédure pouvant exister sur une plate-forme aéroportuaire.</td> </tr> <tr> <td data-bbox="383 1904 805 2004">Traduction de courtoisie</td> <td data-bbox="805 1904 1396 2004">It should be added: « Identify changes within the aerodrome operator's organisation and the aerodrome which</td> </tr> </table>	Référence: ADR.OR.D.005 (b) (6) (i)	« Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established processes, procedures and services. »	Proposition/commentaire	Il convient d'ajouter: « Identify changes within the aerodrome operator's organisation and the aerodrome which may affect established safety related processes, procedures and services. »	Justification	Il s'agit ici de procédures pouvant avoir des conséquences sur la sécurité et non de tout type de procédure pouvant exister sur une plate-forme aéroportuaire.	Traduction de courtoisie	It should be added: « Identify changes within the aerodrome operator's organisation and the aerodrome which
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Traduction de courtoisie	It should be added: « Identify changes within the aerodrome operator's organisation and the aerodrome which								

	<p>may affect established safety related processes, procedures and services. » This involves procedures that may have safety implications, not all types of procedures that may exist on an airport.</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>
comment	<p>3004 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.D.005(6)(i)</p> <p>Replace "established" with "safety related"</p> <p>This is better focussed on safety related processes, not all established processes, procedures and services at the airport (not all of which are safety related)</p>
response	<p><i>Noted</i></p> <p>The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.</p>
comment	<p>3006 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.D.005 (f)</p> <p>Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations"</p> <p>The proposed wording is far too broad in application and should be limited to the 2 activities being addressed.</p>
response	<p><i>Accepted</i></p>

The paragraph has been amended in this direction.

comment 3066 comment by: DAA Cork Airport

(e) - Amend text to read: "form and manner agreed with the competent authority" – It would be more appropriate if the reporting format was agreed between the aerodrome operator and the competent authority."

response *Not accepted*

The Agency understands that this comment is related to paragraph (e) of ADR.OR.C.030. If this is indeed the intent of the comment, then the Agency has the view that it is for the competent authority to define the type and minimum information to be contained in such reports and the manner in which they have to be submitted.

comment 3157 comment by: Isavia

ADR.OR.D.005 (f). Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations". The proposed wording is too broad in application and should be limited to the 2 activities being addressed.

response *Accepted*

The paragraph has been amended in this direction.

comment 3158 comment by: Isavia

ADR.OR.D.005 (6) (i). Modify to: «a formal process to identify changes within the aerodrome operators' s certified organization and the aerodrome which may affect certified processes, procedures and services,".

response *Noted*

The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment 3161 comment by: DAA Cork Airport

(b)-(6)-(i) Replace "established" with "safety related" – This is better focussed on safety related processes as not all established processes, procedures and services at an airport are safety related.

response *Noted*

The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment 3199 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
6 (i) Amend "established safety related processes"

response *Noted*

The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

comment 3200 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
Separate quality and security system from safety management system!
ICAO

response *Noted*

The various systems are already separate in the draft rules (ADR.OR.D.005 and ADR.OR.D.007). Their integration is possible according to the will of the aerodrome operator. ICAO already suggests the integration of management systems (see ICAO Doc 9859 para 7.8).

comment 3270 comment by: *London Biggin Hill Airport*
ADR.OR.D.005

(6)(i) Replace "established" with "safety related" This is better focussed on safety related processes, not all established processes, procedures and services at the airport (not all of which are safety related)
(f) Delete "the whole range of activities" and replace with "both air navigation services and aerodrome operations" The proposed wording is far too broad in application and should be limited to the 2 activities being addressed.

response *Partially accepted*

The competences of the Agency and therefore the scope of this draft

Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation. With regard to the comment on paragraph (f), the text has been amended in this direction.

comment	<p>3271 comment by: CAA SR</p> <p>Proposal for change:</p> <p>(b) The management system shall include: (1) clearly defined lines of responsibility and accountability throughout the aerodrome operator, including a direct safety accountability of the accountable manager; (2) a description of the overall philosophies and principles of the aerodrome operator with regard to safety, referred to as the safety policy, signed by the accountable manager; head of management board;</p> <p>Argument: Safety policy is the top document that should drive the direction of the organization and should be approved by management board / board of directors or any other top representative of the aerodrome operator company.</p>
response	<p><i>Partially accepted</i></p> <p>The rules should accommodate all possible cases of legal personalities that an aerodrome operator may have. In addition, there may also be cases of small aerodromes where the aerodrome operator is a natural person, who may also be the accountable manager. The Agency has added GM1-ADR.OR.D.015(a) with regard to the accountable manager.</p>
comment	<p>3272 comment by: CAA SR</p> <p>There are missing requirements on "Lesson dissemination" as important part of SMS in ADR.OR.D.005 - Management.</p>
response	<p><i>Noted</i></p> <p>The requirements under paragraph (b)(9) address the issue of safety communication/lesson dissemination contained in Appendix 7 of Annex 14. Moreover, Relevant AMC and GM have been included in the relevant draft Decision, thus reflecting the material contained in ICAO Doc 9859 (SMM).</p>
comment	<p>3355 comment by: ADV -German Airports Association</p> <p>ADR.OR.D.005 — Management <i>REV</i></p> <p>(a) The aerodrome operator shall implement and maintain a management system that includes a safety management system. (b) The management system shall include:</p>

- (1) clearly defined lines of responsibility and accountability throughout the aerodrome operator, including a direct safety accountability of the accountable manager; [...]
- (3) a formal process that ensures that hazards in operations are identified. [...]
- (4) a formal process that ensures analysis, assessment and mitigation of the safety risks in aerodrome operations;
- (5) the means to verify the safety performance of the aerodrome operator's organisation in reference to the safety performance indicators and safety performance targets of the safety management system, and to validate the effectiveness of safety risk controls;
- (6) a formal process to:
- (i) identify changes within the aerodrome operator's organisation and the aerodrome which may affect established processes, procedures and services,
 - (ii) describe the arrangements to ensure safety performance before implementing changes,
 - (iii) eliminate or modify safety risk controls that are no longer needed or effective due to changes in the operational environment;
- (7) formal processes to review the management system referred to in paragraph (a), identify the causes of substandard performance of the safety management system, determine the implications of such substandard performance in operations, and eliminate or mitigate such causes;
- (8) a safety training programme that ensures that personnel are trained and competent to perform the safety management system duties;
- (9) formal means for safety communication that ensure that all personnel are fully aware of the safety management system, to convey safety critical information, and explain why particular safety actions are taken and why safety procedures are introduced or changed;
- (10) coordination of the safety management system with the aerodrome emergency response plan; and coordination of the aerodrome emergency response plan with the emergency response plans of those organisations it must interface with during the provision of its services.
- (c) The aerodrome operator shall document all management system key processes, including a process for making personnel aware of their responsibilities, and its amendment procedure.
- (d) The aerodrome operator shall establish a function to monitor compliance of the organisation with the relevant requirements and the adequacy of the procedures. Compliance monitoring shall include a feedback system of findings to the accountable manager to ensure effective implementation of corrective actions as necessary.
- (e) The management system shall be proportionate to the size of the organisation and its activities, taking into account the hazards and associated risks inherent in these activities.
- (f) In the case that the aerodrome operator holds a certificate to provide air navigation services, it shall ensure that the management system covers the whole range of activities.

b- alle) Die Begriffsdefinition ‚formal process‘ macht nicht deutlich, was dies beinhaltet, sowie Detailgenauigkeit, Dokumentation, Archivierung, Frequenz der Durchführung etc. Wäre es ausreichend diesen Prozess im SMS Handbuch zu beschreiben um als ‚formal process‘ zu gelten?

(1) Hier muss entsprechend deutschem Recht unterschieden werden in die Verantwortlichkeit für Safety und für das SMS (Safety Manager).

(5) Dies erscheint insoweit problematisch, da es keine Vorgaben gibt und ebenso keine Vergleichbarkeit zwischen Flughäfen. ACI Benchmark wurde eingestellt. Woran kann man sich orientieren? Zudem: Verbesserung des Meldewesens führt u. U. zu einer Zunahme der relevanten Vorkommnisse. Zusätzlich ist eine Überprüfung der safety risk controls im täglichen Betrieb, in der Praxis, schwer darstellbar.

(6) Wenn diese Aufgabe wirklich in der Verantwortung des Safetymanagers liegen sollte (muss nochmal klar herausgestellt werden), müsste das Safetymanagement in alle Entscheidungen eingebunden werden und über alle Entscheidungen informiert sein und diese formell bewerten. Dies ist unter Betrachtung der verschiedenen Abteilungen und Tochtergesellschaften/Drittanbietern/Dienstleistern und unter Berücksichtigung des Kosten-Nutzen Faktors kaum darstellbar. Wie sind ‚changes within the operator‘ definiert bis zu welchem Detaillierungsgrad sollten diese berücksichtigt werden?

(7) Wie sollte ein formaler Prozess zur Überprüfung der Effizienz eines Safety Managements genau aussehen? Hier bietet auch das ICAO Safety Management Manual keine Hilfestellung. Auch ist nicht klar was ein „unter der Norm liegendes SMS“ ausmacht (Keine Definition einer Standard Performance). → Dieser Punkt ist aufgrund der Häufung von Unwägbarkeiten unbedingt in das GM zu verschieben

(8) + (9) genaue Erklärung und Definition (Ist ein on the job training und die Kenntnis der Manuals ausreichend? + Was ist mit formal means for safety communication gemeint?)

(10) Beide Themen haben in der Realität nur eine theoretische und eingeschränkte Schnittstelle (z.B. Bombendrohung oder Brand im Terminal nicht SMS). Wenn dies von Bedeutung ist, warum wird dies dann getrennt von den Aufgaben eines Safety Management gesehen?

d) Diese Funktion ist als zentrale Funktion bisher nicht vorhanden. Es muss klar sein, dass das nicht die Aufgabe des Safety Managers sein kann. Da mehr und mehr Unternehmen die Compliance im Sinne von ‚Anti-Korruptions-Beauftragten‘ sehen, ist dieses Aufgabenfeld genauer zu definieren um etwaige Verwechslungen auszuschließen.

(e) Hier wären Richtwerte hilfreich um die Aussage zu verdeutlichen, wie viele Personen werden empfohlen / welche Größe wird empfohlen / welche Proportionen Verkehr / SMS sind angemessen. **Bei den diffizilen Vorgaben kann das SMS gar nicht an die Größe des Airports angepasst werden, weil Standardaufgaben und Dokumentation einen massiven Mehraufwand darstellen und von allen Airports, unabhängig der Größe geleistet werden müssen.**

response

Noted

This requirement is based on ICAO Annex 14 Appendix 7 on SMS and contains all SMS elements included therein.

A formal process, is a defined and documented process within the operator's SMS, which contains appropriate procedures. The flexibility of a process depends on how it is designed. As such, it could be included in a separate manual (SMM), which still is considered to be part of the

aerodrome manual [see AMC1-ADR.OR.D.005(c) and AMC2-ADR.OR.D.005(c)].

The role of the safety manager and other nominated persons are distinct and defined in a separate requirement (ADR.OR.D.015).

Moreover, performance indicators and safety performance targets, as well as the validation of the effectiveness of the risk controls are essential parts of the safety assurance element of a SMS, which is contained in Appendix 7 of Annex 14. It is for the aerodrome operator to define its performance indicators and targets, in coordination with the competent authority. An improved reporting system can certainly lead to increased number of reported incidents, but it cannot lead to increase in incidents, and this has also to be taken into the account when assessing the overall performance. The Agency has the view that it is necessary to validate the effectiveness of safety risk controls, in order to ensure proper functioning of this SMS element.

With regard to the management of change (paragraph (b)(6), the Agency agrees that indeed safety management should be integrated into relevant decision making. All changes, falling under the scope of this draft regulation, that may affect safety should be identified and assessed (see also ADR.OR.B.045). However, this does not mean that all changes are of the same magnitude or that they require the same depth of assessment.

With regard to the comment on paragraph (b) (7), a formal process containing the appropriate procedures should be defined and documented within the operator's SMS. The aerodrome operator is expected to design its processes, tailored to his own operation and needs. The Agency is of the view that there is no need to define the term "substandard performance".

With regard to the comments on paragraphs (b)(8) this requirement is an element of the aerodrome operator's SMS, aiming at ensuring that personnel are trained in order to fulfil their duties for the implementation and functioning of the SMS. Moreover, the requirements under paragraph (b)(9) address the issue of safety communication/lesson dissemination contained in Appendix 7 of Annex 14. Relevant AMC and GM have been included in the relevant draft Decision for both paragraphs reflecting the material contained in ICAO Doc 9859 (SMM).

The Agency does not share the view that there is a theoretical or limited interface; in fact the rules should be read through a different perspective, that is what is actually intended to be regulated by this draft Regulation. The content of paragraph (b) (10) is based on Appendix 7 of Annex 14.

The roles of the nominated persons, including the safety manager's, are specified in the ADR.OR.D.015. The role of the compliance monitoring manager is to ensure compliance with the requirements contained in this draft regulation as well as the requirements contained in the aerodrome manual.

It is the aerodrome operator that has to analyse all relevant parameters and demonstrate to the competent authority that the proposed SMS structure and organisation is adequate and suitable for the particular organisation.

comment	<p>3363 comment by: <i>ADV -German Airports Association</i></p> <p>ADR.OR.D.005 (6) (i)</p> <p>See Comments on OR Part II</p>
response	<p><i>Noted</i></p>
comment	<p>3377 comment by: <i>MST / STR - Stuttgart Airport</i></p> <p>ADR.OR.D.005 (6) (i)</p> <p>→ See Comments on OR Part II</p>
response	<p><i>Noted</i></p>
comment	<p>3385 comment by: <i>MST / STR - Stuttgart Airport</i></p> <p>ADR.OR.D.005 — Management <i>REV</i></p> <p>(a) The aerodrome operator shall implement and maintain a management system that includes a safety management system.</p> <p>(b) The management system shall include:</p> <p>(1) clearly defined lines of responsibility and accountability throughout the aerodrome operator, including a direct safety accountability of the accountable manager; [...]</p> <p>(3) a formal process that ensures that hazards in operations are identified. [...]</p> <p>(4) a formal process that ensures analysis, assessment and mitigation of the safety risks in aerodrome operations;</p> <p>(5) the means to verify the safety performance of the aerodrome operator's organisation in reference to the safety performance indicators and safety performance targets of the safety management system, and to validate the effectiveness of safety risk controls;</p> <p>(6) a formal process to:</p> <p>(i) identify changes within the aerodrome operator's organisation and the aerodrome which may affect established processes, procedures and services,</p> <p>(ii) describe the arrangements to ensure safety performance before implementing changes,</p> <p>(iii) eliminate or modify safety risk controls that are no longer needed or effective due to changes in the operational environment;</p> <p>(7) formal processes to review the management system referred to in paragraph (a), identify the causes of substandard performance of the safety management system, determine the implications of such substandard performance in operations, and eliminate or mitigate such causes;</p> <p>(8) a safety training programme that ensures that personnel are trained and competent to perform the safety management system duties;</p> <p>(9) formal means for safety communication that ensure that all personnel are fully aware of the safety management system, to convey safety critical information, and explain why particular safety actions are taken and why safety procedures are introduced or changed;</p> <p>(10) coordination of the safety management system with the aerodrome emergency response plan; and coordination of the aerodrome emergency response plan with the emergency response plans of those organisations it</p>

must interface with during the provision of its services.

(c) The aerodrome operator shall document all management system key processes, including a process for making personnel aware of their responsibilities, and its amendment procedure.

(d) The aerodrome operator shall establish a function to monitor compliance of the organisation with the relevant requirements and the adequacy of the procedures. Compliance monitoring shall include a feedback system of findings to the accountable manager to ensure effective implementation of corrective actions as necessary.

(e) The management system shall be proportionate to the size of the organisation and its activities, taking into account the hazards and associated risks inherent in these activities.

(f) In the case that the aerodrome operator holds a certificate to provide air navigation services, it shall ensure that the management system covers the whole range of activities.

b- alle) Die Begriffsdefinition ‚formal process‘ macht nicht deutlich, was dies beinhaltet, sowie Detailgenauigkeit, Dokumentation, Archivierung, Frequenz der Durchführung etc. Wäre es ausreichend diesen Prozess im SMS Handbuch zu beschreiben um als ‚formal process‘ zu gelten?

(1) Hier muss entsprechend deutschem Recht unterschieden werden in die Verantwortlichkeit für Safety und für das SMS (Safety Manager).

(5) Dies erscheint insoweit problematisch, da es keine Vorgaben gibt und ebenso keine Vergleichbarkeit zwischen Flughäfen. ACI Benchmark wurde eingestellt. Woran kann man sich orientieren? Zudem: Verbesserung des Meldewesens führt u. U. zu einer Zunahme der relevanten Vorkommnisse. Zusätzlich ist eine Überprüfung der safety risk controls im täglichen Betrieb, in der Praxis, schwer darstellbar.

(6) Wenn diese Aufgabe wirklich in der Verantwortung des Safetymanagers liegen sollte (muss nochmal klar herausgestellt werden), müsste das Safetymanagement in alle Entscheidungen eingebunden werden und über alle Entscheidungen informiert sein und diese formell bewerten. Dies ist unter Betrachtung der verschiedenen Abteilungen und Tochtergesellschaften/Drittanbietern/Dienstleistern und unter Berücksichtigung des Kosten-Nutzen Faktors kaum darstellbar. Wie sind ‚changes within the operator‘ definiert bis zu welchem Detaillierungsgrad sollten diese berücksichtigt werden?

(7) Wie sollte ein formaler Prozess zur Überprüfung der Effizienz eines Safety Managements genau aussehen? Hier bietet auch das ICAO Safety Management Manual keine Hilfestellung. Auch ist nicht klar was ein „unter der Norm liegendes SMS“ ausmacht (Keine Definition einer Standard Performance). ♦ Dieser Punkt ist aufgrund der Häufung von Unwägbarkeiten unbedingt in das GM zu verschieben.

(8) + (9) genaue Erklärung und Definition (Ist ein on the job training und die Kenntnis der Manuals ausreichend? + Was ist mit formal means for safety communication gemeint?)

(10) Beide Themen haben in der Realität nur eine theoretische und eingeschränkte Schnittstelle (z.B. Bombendrohung oder Brand im Terminal nicht SMS). Wenn dies von Bedeutung ist, warum wird dies dann getrennt von den Aufgaben eines Safety Management gesehen?

d) Diese Funktion ist als zentrale Funktion bisher nicht vorhanden. Es muss klar sein, dass das nicht die Aufgabe des Safety Managers sein kann. Da mehr und mehr Unternehmen die Compliance im Sinne von ‚Anti-Korruptions-Beauftragten‘ sehen, ist dieses Aufgabenfeld genauer zu definieren um etwaige Verwechslungen auszuschließen.

(e) Hier wären Richtwerte hilfreich um die Aussage zu verdeutlichen, wie

viele Personen werden empfohlen / welche Größe wird empfohlen / welche Proportionen Verkehr / SMS sind angemessen. **Bei den diffizilen Vorgaben kann das SMS gar nicht an die Größe des Airports angepasst werden, weil Standardaufgaben und Dokumentation einen massiven Mehraufwand darstellen und von allen Airports, unabhängig der Größe geleistet werden müssen.**

response *Noted*

This requirement is based on ICAO Annex 14 Appendix 7 on SMS and contains all SMS elements included therein.

A formal process, is a defined and documented process within the operator's SMS, which contains appropriate procedures. The flexibility of a process depends on how it is designed. As such, it could be included in a separate manual (SMM), which still is considered to be part of the aerodrome manual [see AMC1-ADR.OR.D.005(c) and AMC2-ADR.OR.D.005(c)].

The role of the safety manager and other nominated persons are distinct and defined in a separate requirement (ADR.OR.D.015).

Moreover, performance indicators and safety performance targets, as well as the validation of the effectiveness of the risk controls are essential parts of the safety assurance element of a SMS, which is contained in Appendix 7 of Annex 14. It is for the aerodrome operator to define its performance indicators and targets, in coordination with the competent authority. An improved reporting system can certainly lead to increased number of reported incidents, but it cannot lead to increase in incidents, and this has also to be taken into the account when assessing the overall performance. The Agency has the view that it is necessary to validate the effectiveness of safety risk controls, in order to ensure proper functioning of this SMS element.

With regard to the management change (paragraph (b)(6), the Agency agrees that indeed safety management should be integrated into relevant decision making. All changes, falling under the scope of this draft regulation, that may affect safety should be identified and assessed (see also ADR.OR.B.045). However, this does not mean that all changes are of the same magnitude or that they require the same depth of assessment.

With regard to the comment on paragraph (b) (7), a formal process containing the appropriate procedures should be defined and documented within the operator's SMS. The aerodrome operator is expected to design its processes, tailored to his own operation and needs. The Agency believes that there is no need to define the term "substandard performance".

With regard to the comments on paragraphs (b)(8) this requirement is an element of the aerodrome operator's SMS, aiming at ensuring that personnel are trained in order to fulfil their duties for the implementation and functioning of the SMS. Moreover, the requirements under paragraph (b)(9) address the issue of safety communication/lesson dissemination contained in Appendix 7 of Annex 14. Relevant AMC and GM have been included in the relevant draft Decision for both paragraphs reflecting the material contained in ICAO Doc 9859 (SMM).

The Agency does not share the view that there is a theoretical or limited interface; in fact the rules should be read through a different perspective,

that is what is actually intended to be regulated by this draft Regulation. The content of paragraph (b) (10) is based on Appendix 7 of Annex 14.

The roles of the nominated persons, including these of the safety manager and compliance monitoring manager, are specified in the ADR.OR.D.015. The role of the compliance monitoring manager is to ensure compliance with the requirements contained in this draft regulation as well as the requirements contained in the aerodrome manual.

It is the aerodrome operator that has to analyse all relevant parameters and demonstrate to the competent authority that the proposed SMS structure and organisation is adequate and suitable for the particular organisation.

comment 3422 comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

ADR.OR.D.005 – Management (b)

b- alle) Die Begriffsdefinition ‚formal process‘ macht nicht deutlich, was dies beinhaltet, sowie Detailgenauigkeit, Dokumentation, Archivierung, Frequenz der Durchführung etc. Wäre es ausreichend diesen Prozess im SMS Handbuch zu beschreiben um als ‚formal process‘ zu gelten?

response *Noted*

A formal process, is a defined and documented process within the operator’s approved SMS, which contains appropriate procedures. The processes mentioned in paragraph (b) may be included in a separate manual (SMM), which still is considered to be part of the aerodrome manual [see AMC1-ADR.OR.D.005(c) and AMC2-ADR.OR.D.005(c)].

comment 3423 comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

ADR.OR.D.005 – Management (b) (1)

(1) Hier muss entsprechend deutschem Recht unterschieden werden in die Verantwortlichkeit für Safety und für das SMS (Safety Manager)

response *Noted*

Paragraph (b)(1) requires the establishment of clear lines of responsibility and accountability throughout the aerodrome operator, including a direct safety accountability of the accountable manager.

Moreover, requirement ADR.OR.D.015 paragraph (a) defines the duties and responsibilities of the accountable manager. The responsibilities of the safety manager are defined in paragraph (c) of the same requirement. The relevant AMC and GM provide means of compliance with the requirement as well as relevant guidance.

comment 3424 comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

ADR.OR.D.005 – Management (b) (5)

(5) Dies erscheint insoweit problematisch, da es keine Vorgaben gibt und ebenso keine Vergleichbarkeit zwischen Flughäfen. ACI Benchmark wurde eingestellt. Woran kann man sich orientieren? Zudem: Verbesserung des

Meldewesens führt u. U. zu einer Zunahme der relevanten Vorkommnisse. Zusätzlich ist eine Überprüfung der safety risk controls im täglichen Betrieb, in der Praxis, schwer darstellbar.

response

Noted

Performance indicators and safety performance targets, as well as the validation of the effectiveness of the risk controls are essential parts of the safety assurance element of a SMS, which is contained in Appendix 7 of Annex 14. It is for the aerodrome operator to define its performance indicators and targets, in coordination with the competent authority.

An improved reporting system can certainly lead to increased number of reported incidents, but it cannot lead to increase in incidents, and this has also to be taken into the account when assessing the overall performance. It is necessary to validate the effectiveness of safety risk controls, in order to ensure proper functioning of this SMS element.

comment

3425

comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen***ADR.OR.D.005 – Management (b) (6)**

(6) Wenn diese Aufgabe wirklich in der Verantwortung des Safetymanagers liegen sollte (muss nochmal klar herausgestellt werden), müsste das Safetymanagement in alle Entscheidungen eingebunden werden und über alle Entscheidungen informiert sein und diese formell bewerten. Dies ist unter Betrachtung der verschiedenen Abteilungen und Tochtergesellschaften/Drittanbietern/Dienstleistern und unter Berücksichtigung des Kosten-Nutzen Faktors kaum darstellbar. Wie sind ‚changes within the operator‘ definiert bis zu welchem Detaillierungsgrad sollten diese berücksichtigt werden?

response

Noted

With regard to the management of change (paragraph (b)(6)), the Agency agrees that indeed safety management should be integrated into relevant decision making. All changes, falling under the scope of this draft regulation, that may affect safety should be identified and assessed (see also ADR.OR.B.045). However, this does not mean that all changes are of the same magnitude or that they require the same depth of assessment.

comment

3426

comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen***ADR.OR.D.005 – Management (b) (7)**

(7) Wie sollte ein formaler Prozess zur Überprüfung der Effizienz eines Safety Managements genau aussehen? Hier bietet auch das ICAO Safety Management Manual keine Hilfestellung. Auch ist nicht klar was ein „unter der Norm liegendes SMS“ ausmacht (Keine Definition einer Standard Performance). à Dieser Punkt ist aufgrund der Häufung von Unwägbarkeiten unbedingt in das GM zu verschieben.

response

Noted

A formal process, is a defined and documented process within the operator’s SMS, which contains appropriate procedures. The aerodrome operator is expected to design its processes, tailored to his own operation and needs. The Agency has the view that there is no need to define the

term "substandard performance".

comment 3427 comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

ADR.OR.D.005 – Management (b) (8)(9)

(8) + (9) genaue Erklärung und Definition (Ist ein on the job training und die Kenntnis der Manuals ausreichend? + Was ist mit formal means for safety communication gemeint?)

response *Noted*

With regard to the comments on paragraphs (b)(8) this requirement is an element of the aerodrome operator's SMS, aiming at ensuring that personnel are trained in order to fulfil their duties for the implementation and functioning of the SMS.

comment 3428 comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

ADR.OR.D.005 – Management (b) (10)

(10) Beide Themen haben in der Realität nur eine theoretische und eingeschränkte Schnittstelle (z.B. Bombendrohung oder Brand im Terminal nicht SMS). Wenn dies von Bedeutung ist, warum wird dies dann getrennt von den Aufgaben eines Safety Management gesehen?

response *Noted*

The Agency does not share the view that there is a theoretical or limited interface; in fact the rules should be read through a different perspective, that is what is actually intended to be regulated by this draft Regulation. The content of paragraph (b) (10) is based on Appendix 7 of Annex 14.

comment 3429 comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

ADR.OR.D.005 – Management (d)

d) Diese Funktion ist als zentrale Funktion bisher nicht vorhanden. Es muss klar sein, dass das nicht die Aufgabe des Safety Managers sein kann. Da mehr und mehr Unternehmen die Compliance im Sinne von ‚Anti-Korruptions-Beauftragten‘ sehen, ist dieses Aufgabenfeld genauer zu definieren um etwaige Verwechslungen auszuschließen.

response *Noted*

The roles of the nominated persons, including these of the safety manager and compliance monitoring manager, are specified in the ADR.OR.D.015. The role of the compliance monitoring manager is to ensure compliance with the requirements contained in this draft regulation, as well as the requirements contained in the aerodrome manual.

comment 3430 comment by: *ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen*

ADR.OR.D.005 – Management (e)

(e) Hier wären Richtwerte hilfreich um die Aussage zu verdeutlichen, wie viele Personen werden empfohlen / welche Größe wird empfohlen / welche Proportionen Verkehr / SMS sind angemessen. **Bei den diffizilen Vorgaben kann das SMS gar nicht an die Größe des Airports angepasst werden, weil Standardaufgaben und Dokumentation einen massiven Mehraufwand darstellen und von allen Airports, unabhängig der Größe geleistet werden müssen.**

response *Noted*

It is the aerodrome operator that has to analyse all relevant parameters and demonstrate to the competent authority that the proposed SMS structure and organisation is adequate and suitable for the particular organisation.

comment 3483 comment by: *Fraport AG*

Annex II - Part- OR Subpart D

General

Fraport in general supports the reinforcement of SMS. Never the less a few comments will be made.

response *Noted*

comment 3484 comment by: *Fraport AG*

ADR.OR.D.005 – Management (b) (6) (i)

Editorial

identify changes within the aerodrome operator's organisation and the aerodrome which may affect **established** processes, procedures and services,

Proposed Text

identify changes within the aerodrome operator's organisation and the aerodrome which may affect **safety related** processes, procedures and services,

Fraport

This is better focussed on safety related processes, not all established processes, and services at the airport

AG:

procedures

response *Noted*

The competences of the Agency and therefore the scope of this draft Regulation are already defined in the Basic Regulation. The requirements contained in this draft Regulation should be read through this prism. The non-safety related activities of an organisation do not fall under the scope of this draft Regulation, while this requirement addresses an element of the SMS which by definition deals only with safety related processes and issues. The aerodrome manual, in accordance to which the aerodrome

must be operated and maintained, provides an overview of the regulated activities. In addition, such a wording ("safety related"), may lead to interpretation issues, as one could understand that there are also non-safety related areas covered by this draft Regulation.

ANNEX II - Part-OR - ADR.OR.D.007 — Management of aeronautical data and aeronautical information

p. 50-51

comment	222	comment by: <i>SWISS AERODROMES ASSOCIATION</i>
	(b): in order to remain in the scope of aerodromes, the wording should be adapted: "...with respect to aerodromal data and aeronautical information provision activities <u>related to ist aerodrome</u> "	
response	<i>Noted</i>	
	The text as it stands reflects the text of Regulation 73/2010, while it is based on the relevant essential requirements contained in Annex Va of the Basic Regulation.	
comment	356	comment by: <i>Danish Transport Authority</i>
	(c) "the integration of safety, security and quality" (also CNS if the operator is the provider) must be moved to GM.	
response	<i>Noted</i>	
	Paragraph (c) has been moved to requirement ADR.OR.D.005 and has been amended. The use of verb "may" indicates an option for the aerodrome operator, which may also be part of an implementing rule.	
comment	859	comment by: <i>DGAC Direction Générale de l'aviation civile</i>
	<p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> ANNEX II - Part-OR – ADR.OR.D.007 – Management of aeronautical data and aeronautical information - (p50-51) 	
	<p><u>2. Justification and proposed text / comment</u></p> <p>ADR.OR.D.007 is dealing with aeronautical data, which is already dealt with in OPS rules, and also in IR-ADQ which addresses to several stakeholders among which aerodrome operators. Consequently, ADR.OR.D.007 paragraph (a) should be deleted</p> <p>The aerodrome operator will have to respect rules on aeronautical information, and these are already described in ADR-OPS.A.010 and ADR-OPS.A.015, and their related AMCs which are very detailed. Consequently, ADR.OR.D.007 (b) is redundant with ADR-OPS.A.010 and ADR-OPS.A.015, and their related AMCs and IR-ADQ, and should be deleted.</p> <p>ADR.OR.D.007 (c) is more a guidance material ("may integrate"): it is consequently proposed to add it as a GM to ADR.OR.D.005 (b) (dealing</p>	

with the aerodrome operator management system).

Consequently, it is proposed to :

- **delete ADR.OR.D.007 – Management of aeronautical data and aeronautical information - (p50-51)**
- **Move ADR.OR.D.007 - (paragraph (c)) into a GM to ADR.OR.D.005 (b):**

GM.ADR.OR.D.005(b) – Management of aeronautical data and aeronautical information

"The aerodrome operator may integrate safety, security and quality management systems into its management system."

response

Noted

This requirement is based on the relevant essential requirements contained in Section A (4) of Annex Va of the Basic Regulation related to aeronautical data. The requirements contained in Part ADR.OPS do not address the issue of the management of aeronautical data as such.

comment

1034

comment by: *Dublin Airport Authority*

Ref (a)

Guidance material accompanying the finalised NPA should establish what is necessitated in terms of a "Quality Management System" and what procedures must be implemented.

response

Noted

The Agency has provided relevant AMC for this requirement.

comment

1102

comment by: *NATS National Air Traffic Services Limited*

ADR.OR.D.007(c)

There is no "shall" in the sentence so it should be considered as GM. Even if it is not considered to be GM then this is not the appropriate place for the text as it is of a generic nature and should be in ADR.OR.D.005.

response

Noted

Paragraph (c) has been moved to requirement ADR.OR.D.005 and has been amended. The use of verb "may" indicates an option for the aerodrome operator, which may also be part of an implementing rule.

comment

1400

comment by: *Zürich Airport*

The wording "may" in paragraph (c) doesn't reflect the bindingness of IRs. Move paragraph (c) in an AMC or delete it completely to avoid confusion.

response

Noted

Paragraph (c) has been moved to requirement ADR.OR.D.005 and has

been amended. The use of verb "may" indicates an option for the aerodrome operator, which may also be part of an implementing rule.

comment	1751	comment by: CAA Norway
	We suggest to move ADR.OR.D.007(c) to an AMC. This does not fit as an IR.	
response	Noted	

comment	1822	comment by: UK CAA
	<p>Page No: 50</p> <p>Paragraph No: ADR.OR.D.007 — Management of aeronautical data and aeronautical information.</p> <p>Comment: The European Commission adopted on 26 January 2010 the Regulation EC 73/2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky. The overall objective of this rule is to achieve aeronautical information of sufficient quality, accuracy, timeliness and granularity as a key enabler of the European ATM Network.</p> <p>Working Group comment against cross reference to EC 73/2010 states that there is no proposal and the article was added by the agency. EC member states are currently working towards implementation of the requirements by July 2013.</p> <p>It is of critical concern that this regulation has not been considered when developing the NPA in respect of the Management of aeronautical data and aeronautical information.</p> <p>Immediate action is required to address this oversight and ensure harmonisation of the Authority, Organisation and Operations Requirements for Aerodromes with EC 73/2010.</p> <p>Additional sections of the NPA affect by this anomaly are listed below. This is not intended to be an comprehensive list and the entire NPA should be assessed in respect of all references to data management within document:</p> <p>The draft Commission Regulation NPA 2011-20 (B.I)</p> <ol style="list-style-type: none"> ADR.OPS.A.005 (page 63) – Aeronautical Data ADR.OPS.A.010 (page 63) — Data quality requirements ADR-OPS.A.015 (page 64) – Co-ordination between Aerodrome 	
response	Accepted	
	The Agency has addressed the relevant issue by amending the relevant material in the suggested direction.	

comment	1836	comment by: <i>Geneva International Airport (ROMIG)</i>
	ADR.OR.D.007 (c) - Move this article to ADR.OR.D.005. This article would be more appropriately placed under the topic "management system"	
response	<i>Accepted</i>	
	Paragraph (c) has been moved to requirement ADR.OR.D.005 and has been amended. The use of verb "may" indicates an option for the aerodrome operator, which may also be part of an implementing rule.	
comment	2418	comment by: <i>Dublin Airport Authority</i>
	Guidance material accompanying the finalised NPA should establish what is required in terms of a "Quality Management System" and what procedures must be implemented.	
response	<i>Noted</i>	
	The Agency has provided relevant AMC for this requirement.	
comment	2499 ❖	comment by: <i>DGAC Direction Générale de l'aviation civile</i>
	<u>1. Affected paragraphs</u>	
	<ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.A.001 (p16) • ANNEX I - Part-AR - ADR.AR.B.005 — Management system (p20) • ANNEX I - Part-AR - ADR.AR.B.015 — Changes to the management system (p21) • ANNEX I - Part-AR - ADR.AR.B.020 — Record-keeping (p22) • ANNEX II - Part-OR - ADR.OR.B.040 — (p41) • ANNEX II - Part-OR - ADR.OR.B.045 — Assessment of changes (p42) • ANNEX II - Part-OR - ADR.OR.D.007 — Management of aeronautical data and aeronautical information (p50) • ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51) • ANNEX II - Part-OR - ADR.OR.D.025 — Coordination with other relevant organisations (p53) 	
	<u>The above rules are affected and should be revised, however, this list could not be considered exhaustive : related AMC and CS should be revised accordingly</u>	
	<u>2. Justification and proposed text / comment</u>	
	This comment is linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)	
	Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections <i>in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.</i> " Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the	

State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States to have a "Management System", with additional requirements on personnel, notably functions to monitor compliance, which induces administrative burden and huge costs: this is the State competency.

It is asked to EASA to delete the notion of a management system for the State, and to limit its regulation to the obligation, for the State, to have adequate procedures and resources to certify, and perform the oversight of aerodromes. It is to note that the Cover regulation only mentions "safety" management system, even in the aerodrome manual (ADR.OR.E.010).

The above rules are affected and should be revised, however, this list could not be considered exhaustive

response

Noted

The Agency cannot relate this comment to the relevant requirement and therefore cannot provide an answer.

comment

2532

comment by: *Shannon Airport*

(a) Guidance material accompanying the finalised NPA should establish what is necessitated in terms of a "Quality Management System" and what procedures must be implemented.

response

Noted

The Agency has provided relevant AMC for this requirement.

comment

2553

comment by: *AENA - Aeropuertos Españoles y Navegación Aérea*

ADR.OR.D.007 is dealing with aeronautical data, which is already dealt with in OPS rules, and also in IR-ADQ which addresses to several stakeholders among which aerodrome operators. Consequently, ADR.OR.D.007 paragraph (a) should be deleted

The aerodrome operator will have to respect rules on aeronautical information, and these are already described in ADR-OPS.A.010 and ADR-OPS.A.015, and their related AMCs which are very detailed. Consequently, ADR.OR.D.007 (b) is redundant with ADR-OPS.A.010 and ADR-OPS.A.015, and their related AMCs and IR-ADQ, and should be deleted.

ADR.OR.D.007 (c) is more a guidance material ("may integrate"): it is consequently proposed to add it as a GM to ADR.OR.D.005 (b) (dealing with the aerodrome operator management system).

Consequently, it is proposed to :

- **delete ADR.OR.D.007 – Management of aeronautical data and aeronautical information - (p50-51)**

- **Move ADR.OR.D.007** - (paragraph (c)) into a GM to ADR.OR.D.005 (b):

GM.ADR.OR.D.005(b) – Management of aeronautical data and

aeronautical information

"The aerodrome operator may integrate safety, security and quality management systems into its management system."

response *Noted*

This requirement is based on the relevant essential requirements contained in Section A (4) of Annex Va of the Basic Regulation related to aeronautical data. The requirements contained in Part ADR.OPS do not address the issue of the management of aeronautical data as such.

Paragraph (c) has been moved to requirement ADR.OR.D.005 and has been amended. The use of verb "may" indicates an option for the aerodrome operator, which may also be part of an implementing rule.

comment 2674 comment by: HIA - Highlands and Islands Airports Limited
D.007- Agree

response *Noted*

comment 2933 comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.OR.D.007 (b et c)	Ce chapitre prévoit la prise en compte de la sûreté (security)
Proposition/commentaire	Il convient de retirer la référence à la sûreté (security) qui relève de textes européens différents et ne dépendant pas de l'AESA
Justification	La confusion des missions amènera ineluctablement des conflits réglementaires et le chapitre n'arbitrera pas les éventuels divergences d'objectif.
Traduction de courtoisie	

response *Noted*

comment 3165 comment by: DAA Cork Airport
(a) & (b) - Guidance material accompanying the finalised NPA should establish what is necessitated in terms of a "Quality Management System" and what procedures must be implemented.

response *Noted*

The Agency has provided relevant AMC for this requirement.

comment 3201 comment by: Airport St. Gallen-Altenrhein - ACH/LSZR
delete (c). Not necessary

response	<i>Noted</i>
comment	<p>3483 ❖ comment by: <i>Fraport AG</i></p> <p>Annex II - Part- OR Subpart D</p> <p>General</p> <p>Fraport in general supports the reinforcement of SMS. Never the less a few comments will be made.</p>
response	<i>Noted</i>
comment	<p>3485 comment by: <i>Fraport AG</i></p> <p>ADR.OR.D.007 - Management of aeronautical data and aeronautical information</p> <p>Editorial</p> <p>(a) The aerodrome operator shall implement and maintain a quality management system covering its aeronautical data and aeronautical information provision activities.</p> <p>(b) The aerodrome operator shall define procedures for meeting the safety and security management objectives with respect to aeronautical data and aeronautical information provision activities.</p> <p>(c) The aerodrome operator may integrate safety, security and quality management systems into its management system.</p> <p>Delete ADR.OR.D.007</p> <p>Fraport AG: EASA is responsible for safety. So regarding the paragraph (b) and (c) the parts which give regulation on security processes should be deleted. AR.OR.D.007 is already addressed by Regulation (EU) No 73/2010 on Aeronautical Data Quality. Having this again under EASA regulation, its doubled regulation. Proposal is to delete ADR.OR.D.007 completely</p>
response	<p><i>Noted</i></p> <p>This requirement is based on the relevant essential requirements contained in Section A (4) of Annex Va of the Basic Regulation related to aeronautical data. The requirements contained in Part ADR.OPS do not address the issue of the management of aeronautical data as such.</p> <p>Paragraph (c) has been moved to requirement ADR.OR.D.005 and has been amended.</p>

comment	<p>124 comment by: Flughafen Düsseldorf GmbH</p> <p>ADR.OR.D.010 – Contracted activities <i>REV</i></p> <p>(a) Contracted activities include all activities within the aerodrome operator’s scope of terms of approval that are performed by other organisations working under the aerodrome operator’s approval. <u>The aerodrome operator shall ensure that when contracting or purchasing any part of its activity, the contracted or purchased service or equipment or system conforms to the applicable requirements.[g2]</u></p> <p>(b) When an aerodrome operator contracts any part of its activity to an organisation, the contracted organisation <u>shall work under the approval and oversight of the aerodrome operator.[g3]</u> The contracting organisation shall ensure that the competent authority is given access to the contracted organisation, to determine continued compliance with the applicable requirements</p> <hr/> <p>[g2]Sollte das nicht eher eine eigene Pflicht des Unternehmens sein, welches auf dem Flughafengelände tätig werden möchte. [g3]Man beschäftigt aber Unternehmen, um arbeitsteilig vorzugehen und einen Teil der Verantwortung abzugeben.</p>
response	<p><i>Noted</i></p> <p>This is common requirement in all aviation domains, based on widely accepted principles of quality and safety management.</p>

comment	<p>625 comment by: Flughafen Düsseldorf GmbH</p> <p>Die Einflussnahme des Flughafenbetreibers ist nur eingeschränkt vorhanden. Wie und durch wen sollte das überprüft werden?</p>
response	<p><i>Noted</i></p> <p>Such issues are expected to be dealt with through the application of the management system of the aerodrome (e.g. compliance monitoring etc).</p>

comment	<p>862 comment by: DGAC Direction Générale de l'aviation civile</p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX II - Part-OR – ADR.OR.D.010 – Contracted activities (p51) <p><u>2. Justification and proposed text / comment</u></p> <p>The aerodrome operator’s SMS is applicable to its subcontractors (because they have a contract) and coordination is asked with other stakeholders not depending from the aerodrome operator through a formal contract. However, the fact that the aerodrome operator’s SMS is applicable to its subcontractors is not dealt with in ADR.OR.D.010.</p> <p>Consequently, the following proposal is made:</p> <p>ADR.OR.D.010 – Contracted activities "[...]"</p>
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	<i>(c) The aerodrome operator's safety management system is applicable to its subcontractors."</i>	
response	<i>Partially accepted</i>	The relevant AMC to this requirement has been amended in order to better address the issue of contracted organisations.
comment	<i>1401</i>	comment by: <i>Zürich Airport</i> The "aerodromes scope" need to be clearly defined. The handling of aircraft is an agreement between airline and handling company. The aerodrome operator isn't able to ensure compliance within this agreement. The same applies to ANSP. The aerodrome operator can only oversee requirements specified by aerodrome operator itself and were laid down in the aerodrome manual (mentioned in ADR.OR.D.025).
response	<i>Noted</i>	The draft rule concerns contracted activities between the aerodrome operator and third parties and not contracts between third parties. The cases mentioned in the comment are dealt with under ADR.OR.D.025, in accordance with which the aerodrome operator has to ensure that 3 rd party's procedures comply with the relevant requirements contained in aerodrome manual and the relevant requirements
comment	<i>2801</i>	comment by: <i>Vereinigung der Dienstleister an Deutschen Flughäfen e.V. (VDF)</i> As the proposal for a regulation of the European Parliament and of the Council on ground handling services at Union airports and repealing Council Directive 96/67/EC and already the Council Directive 96/67/EC states that ground handling providers need an approval to perform ground handling services and defines the conditions which have to be met. Is this approval seen as a "contracted service"?
response	<i>Noted</i>	The works on the amendment of Directive 96/67 are still on-going and thus the Agency cannot express any view on this issue.
comment	<i>2812</i>	comment by: <i>Billund Airport - BLL/EKBI</i> <i>Page 51 – ADR.OR.D015 - Application for a certificate:</i> Personnel requirements are very detailed and they are not consistent with the way we organize ourselves in Denmark. For example, it would be natural to us that the group of individuals who are responsible for the organization's compliance requirements, will report directly to the airport manager and not to an accountable manager. In addition, the responsibility for operational service and maintenance can be shared between two persons.
response	<i>Noted</i>	Personnel requirements reflect widely accepted QMS and SMS principles, and therefore should remain stay at an appropriate level of detail to allow the organisational flexibility needed.

comment	3202 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i> The aerodrome operator can not be made responsible for contracts among third parties.
response	<i>Noted</i> This draft requirement concerns contracted activities between the aerodrome operator and third parties and not contracts between third parties.
comment	3483 ❖ comment by: <i>Fraport AG</i> Annex II - Part- OR Subpart D General Fraport in general supports the reinforcement of SMS. Never the less a few comments will be made.
response	<i>Noted</i>

ANNEX II - Part-OR - ADR.OR.D.015 – Personnel requirements

p. 51-52

comment	39 comment by: <i>ACI EUROPE - Airports Council International</i> (b) (1) add after a person "or group of persons" Justification: to be consistent with (2)
response	<i>Partially accepted</i> The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities
comment	125 comment by: <i>Flughafen Düsseldorf GmbH</i> ADR.OR.D.015 – Personnel requirements <i>REV</i> (a) The aerodrome operator shall appoint an <u>accountable manager</u> ^[g1] , who has the authority for ensuring that all activities can be financed and carried out in accordance with the applicable requirements. The accountable manager shall be responsible for establishing and maintaining an effective management system. <hr/> ^[g1] Ist hiermit die Geschäftsführung gemeint?
response	<i>Accepted</i> The Agency has provided relevant guidance on the relevant issue.

comment	133	comment by: CAA Norway
	ADR.OR.D.015 on page 51: We suggest to have consistency in this paragraph as well as throughout the regulation for the titles of the different positions.	
response	<i>Accepted</i>	
	The Agency has reviewed the text to ensure consistency of the titles used in the draft Regulation.	
comment	175	comment by: CAA-NL
	We suggest in (g) (3) to change 'proficiency checks' into 'continuation training'.	
response	<i>Noted</i>	
	Proficiency checks are different from continuation training. In general, proficiency checks take place in order to verify that a person continues to meet the relevant requirements in terms of skills, knowledge, capabilities etc., while training is a means to ensure that a person gains such skills, knowledge capabilities etc.	
comment	192	comment by: Swedavia AB - Swedish airports (currently 11 airports)
	(b) (1) Add after a person "or group of persons".	
response	<i>Partially accepted</i>	
	The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities	
comment	223	comment by: SWISS AERODROMES ASSOCIATION
	"A person" should be replaced by "one or more persons".	
	There is no reason for assigning this responsibility to a single individual.	
response	<i>Partially accepted</i>	
	The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities	
comment	268	comment by: Brussels Airport - BRU/EBBR
	ADR.OR.D.015 Personnel requirements, (g)(3) Proficiency checks programmes :	
	The term Proficiency Check has not been defined in this NPA 2011-20, not under the definitions mentioned under Article 2 of NPA 2011-20 (B.I) Draft Implementing Rules - Cover Regulation, neither under the definitions mentioned under CS-ADR-DSN.A.002 of the Draft Certification Specifications book 1, NPA 2011-20 (B.III).	
	I suggest, either to include a definition of the term Proficiency Check, or to provide an AMC (AMC3-ADR.OR.D.015(g) or GM (GM1-ADR.OR.D.015(g) on the subject of Proficiency checks (programmes).	

	<p>Additional info :</p> <p>In the 'sister regulation' EU 1178/2011 (FCL) resulting out of Basic Regulation EC 216/2008 (see art. 7 & Annex III) (parallel with NPA 2011-20 with EC 216/2008 art. 8a & Annex Va), there is a definition of Proficiency Check :</p> <p>See EU 1178/2011 Annex I Part FCL Subpart A FCL.010 : Proficiency check = the demonstration of skill to revalidate or renew ratings, and including such oral examination as may be required."</p> <p>Additionally the term Revalidation is defined : "Revalidation (of e.g. rating or certificate) means the administrative action taken within the period of validity of a rating or certificate which allows the holder to continue to exercise the privileges of a rating or certificate for a further specified period consequent upon the fulfillment of specified requirements."</p> <p>See also my remark at AMC2-ADR.OR.D.015(g)(a).</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has provided relevant guidance on the relevant issue, in a way that does not necessitate the need for a relevant definition.</p>
comment	<p>306 comment by: <i>BAA Airside operations</i></p> <p>(b) (1) Amend to read "a person or group of persons". These responsibilities do not need to be held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..."</p> <p>(d) Delete "qualified" and replace with "competent" To be competent is more important than to be qualified.</p> <p>(g) (1) Amend to read "Aerodrome operations personnel involved in.." This should be specific to the aerodrome operator personnel relevant, not to all personnel.</p>
response	<p><i>Partially accepted</i></p> <p>Paragraph (b)(1) has been amended in a way that accommodates various possibilities. The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation. Finally, the Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding rescue and fire-fighting, maintenance and management personnel.</p>
comment	<p>357 comment by: <i>Danish Transport Authority</i></p> <p>Editorial: We suggest to have consistency in this paragraph as well as throughout the regulation for the titles of the NPHs.</p>
response	<p><i>Accepted</i></p>

The Agency has reviewed the text to ensure consistency of the titles used in the draft Regulation.

comment	358	comment by: <i>Danish Transport Authority</i>
	(b) (2)	
	Oppose to "group of persons", There can only be one person responsible for quality (compliance), safety management, operational service (aerodrome manager). AMC 1-ADR.OR.D.015 regarding "one person should be the focal point and have the overall responsibilities of the compliance monitoring manager" should be given higher priority and lifted into the ADR.OR.D.015. ISO principles also refer to designation of one person with responsibilities for the quality/compliance management system. This priority should also cover the safety manager.	
response	<i>Partially accepted</i>	
	The Agency has reviewed the relevant texts of the implementing rules and AMC in a way that accommodates various possibilities, ensuring that responsibilities are clearly identified.	
comment	410	comment by: <i>Edinburgh Airport</i>
	ADR.OR.D.015 (b) (1) - Amend to read " person or group of persons" Justification - These responsibilities do not need to be held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..."	
response	<i>Partially accepted</i>	
	The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities	
comment	411	comment by: <i>Edinburgh Airport</i>
	ADR.OR.D.015 (d) Delete "qualified" and replace with "competent" Justification - To be competent is more important than to be qualified.	
response	<i>Noted</i>	
	The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.	
comment	412	comment by: <i>Edinburgh Airport</i>
	ADR.OR.D.015 (g) (1) - Amend to read "Aerodrome operations personnel involved in..." Justification - This should be specific to the aerodrome operator personnel relevant, not all personnel.	
response	<i>Noted</i>	
	The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding rescue and fire-fighting, maintenance and management personnel.	

comment	<p>440 comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i></p> <p>Comment to a) Safety manager should be mentioned here still separately in his function (independence to the management)</p>
response	<p><i>Noted</i></p> <p>Paragraph (a) contains the requirement for the accountable manager of the aerodrome. The requirement for the person(s) responsible for the management of the safety management system is contained in paragraph (c). The independence of such person(s) is also foreseen in the same paragraph.</p>
comment	<p>445 comment by: <i>Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)</i></p> <p>(g) (1)</p> <p>Amend to read "Aerodrome operations personnel involved in.."</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding rescue and fire-fighting, maintenance and management personnel.</p>
comment	<p>467 comment by: <i>Avinor</i></p> <p>ADR.OR.D.015 (b) (1). Add after "a person": "or group of persons", to be consistent with (2)</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities</p>
comment	<p>518 comment by: <i>Icelandic Civil Aviation Administration</i></p> <p>ADR.OR.D.015 on page 51: We suggest to have consistency in this paragraph as well as throughout the regulation for the titles of the different positions.</p>
response	<p><i>Accepted</i></p> <p>The Agency has reviewed the text to ensure consistency of the titles used in the draft Regulation.</p>
comment	<p>519 comment by: <i>Icelandic Civil Aviation Administration</i></p> <p>ADR.OR.D.015 (b)(2) and (c) Oppose to "group of persons", it is not</p>

	acceptable in a serious management organization – this should be only one person.
response	<i>Partially accepted</i> The Agency has reviewed the relevant texts of the implementing rules and AMC in a way that accommodates various possibilities, ensuring that responsibilities are clearly identified.
comment	550 comment by: <i>Estonian CAA</i> ADR.OR.D.015 on page 51: We suggest to have consistency in this paragraph as well as throughout the regulation for the titles of the different positions.
response	<i>Accepted</i> The Agency has reviewed the text to ensure consistency of the titles used in the draft Regulation.
comment	586 comment by: <i>Belfast International Airport - BFS/EGAA</i> (b) (1) this should be person/s
response	<i>Partially accepted</i> The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities
comment	587 comment by: <i>Belfast International Airport - BFS/EGAA</i> (d) change qualified to competent To be competent is more important than to be qualified.
response	<i>Noted</i> The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.
comment	594 comment by: <i>Flughafen Düsseldorf GmbH</i> b) 1) Ergänzung um eine Gruppe von Personen, anstatt nur eine Einzelperson (wie unten). b) 2) Hier sollte deutlich gemacht werden, dass es sich nicht um den Safety Manager handelt. c) Es bleibt unklar wer hier genau gemeint ist. Safety Action Group oder Safety Management? Schon in dieser IR muss eine klare Abgrenzung erfolgen.
response	<i>Partially accepted</i> Paragraph (b)(1) has been amended in a way that accommodates various possibilities. Paragraph (b)(2) refers to the compliance monitoring function and not the safety management function; the latter function is mentioned

in paragraph (c). The relevant AMC have been reviewed to facilitate understanding of the text and remove any ambiguity.

comment 606 comment by: *Vienna International Airport*

(b)(1) Change to:
a person or a group of persons.....

response *Partially accepted*

The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities

comment 660 comment by: *Exeter International Airport*

ADR.OR.D.015(b) (1) : Amend to read "a person or group of persons". These responsibilities do not need to held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..."

response *Partially accepted*

The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities

comment 661 comment by: *Exeter International Airport*

ADR.OR.D.015 (d) : Delete "qualified" and replace with "competent". To be competent is more important than to be qualified.

response *Noted*

The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.

comment 694 comment by: *Brussels Airport - BRU/EBBR*

ADR.OR.D.015(c)
GM-ADR.OR.D.015(c)

To add guidance material for the personnel requirements, more specific for the Safety Manager.

I suggest to add one guidance material based on Appendix 2 of Chapter 8 from ICAO Doc 9859 SMM : "Sample Job Description for a Safety Manager", similar to

what is done in GM1-ADR.OR.D005(b)(2) : SAFETY POLICY en GM2-ADR.OR.D005(b)(2) : EXAMPLE SAFETY POLICY.

So I suggest to add : GM2-ADR.OR.D.015(c) – Personnel requirements : SAFETY MANAGEMENT – EXAMPLE JOB DESCRIPTION SAFETY MANAGER : followed by the text from the sample job description for a safety manager as mentioned in Appendix 2 of Chapter 8, ICAO Doc 9859.

response *Noted*

The Agency considers that the relevant AMC and guidance material is

sufficient for the purpose.

comment	752	comment by: <i>Finnish Transport Safety Agency</i>
	ADR.OR.D.015 on page 51: We suggest to have consistency in this paragraph as well as throughout the regulation for the titles of the different positions.	
response	<i>Accepted</i>	
	The Agency has reviewed the text to ensure consistency of the titles used in the draft Regulation.	

comment	865	comment by: <i>Union des Aéroports français - UAF</i>
	Attachment #217	
	UAF	NPA 2011-20 (B.I) ADR.OR.D.015 (b) (1)
	Référence:	ADR.OR.D.015 (b) (1)
	« a person for the management of the operational services and maintenance of the aerodrome »	
	Traduction	de courtoisie
	It is appropriate to bring the following amendment: « a person for the management of the operational services and a person for the maintenance of the aerodrome (only one person could be nominated for both functions); and »	
	This proposal clarifies the possibility that we can have one or two people for these two functions.	
response	<i>Partially accepted</i>	
	The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities	

comment	869	comment by: <i>Union des Aéroports français - UAF</i>
	Attachment #218	
	UAF	NPA 2011-20 (B.I) ADR.OR.D.015 (b) et (c)
	Référence:	ADR.OR.D.015 (b) et (c)
	"The aerodrome operator shall nominate [...] and appropriate management for safety matters."	
	Traduction	de courtoisie
	EASA distinguishes people responsible for the management of operational services and maintenance of the aerodrome as well as people who ensure that the organization is in compliance with regulations on the one hand, from people responsible for the safety management system on the other hand..	
	In practice, these two functions can be treated by the same person. UAF would like EASA to precise clearly at the same level of text that the persons referred to these two points can be the same person. In addition it is proposed the following amendment to the (c): "This(those)	

response

Noted

The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding rescue and fire-fighting, maintenance and management personnel.

comment

1041

comment by: *Dublin Airport Authority*

Ref (b)-(1),

In relation to (b)-(1), the text should be amended to state: "a person or group of persons" to promote consistency with (b)-(2) and acknowledge that these responsibilities need not necessarily be held by one individual and an aerodrome operator could identify a number of individuals with responsibility for these tasks.

Ref (c)

In relation to point (c), guidelines should clearly set out what is considered to constitute independence particularly as operations at smaller European airports necessitate cross functional approaches to the operation, maintenance and management of the aerodrome.

Ref (g) (1)

Amend to read: "Aerodrome operations personnel involved in" – This would add clarity and note that this obligation will be specific to the aerodrome operator personnel and not all personnel operating on the aerodrome.

Ref (g) (3)

Guidance should also be given in relation to the scale, nature and frequency of the proposed proficiency checks, (g)-(3), for persons operating in movement and other operational areas of the aerodrome. If the expectation is that the aerodrome operator is to implement sanctions against individuals or companies who do not reach an appropriate standard with regard to proficiency checks this poses a particular difficulty in Ireland due to the transposition of the Groundhandling Directive (S.I. 505 of 1998) which vested the Commission for Aviation Regulation as the competent authority for the issuing of Groundhandling approvals. Irish airports therefore cannot impose sanctions directly on groundhandlers and cannot seek to exclude them from operating at the aerodromes as this could be construed as a restraint of trade or breach of competition law.

response

Partially accepted

Paragraph (b)(1) has been amended in a way that accommodates various possibilities.

With regard to paragraph (g)(1), the Agency has the view that it is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding rescue and fire-fighting, maintenance and

management personnel. Moreover, The Agency believes that there is no need to further define the term "independently". Finally, the Agency has further clarify the requirements for proficiency checks, which are not related to sanctions but rather checking one's skills, knowledge, capabilities etc.

comment 1093 comment by: Bristol Airport - BRS/EGGD

ADR.OR.D.015(b) (1)	Amend to read "a person or group of persons"	These responsibilities do not need to held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..."
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response *Partially accepted*

The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities

comment 1094 comment by: Bristol Airport - BRS/EGGD

ADR.OR.D.015 (d)	Delete "qualified" and replace with "competent"	To be competent is more important than to be qualified.
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response *Noted*

The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.

comment 1095 comment by: Bristol Airport - BRS/EGGD

ADR.OR.D.015(g) (1)	Amend to read "Aerodrome operations personnel involved in.."	This should be specific to the aerodrome operator personnel relevant, not to all personnel.
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response *Noted*

The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding rescue and fire-fighting, maintenance and management personnel.

comment 1120 ❖ comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.B.005 (a) (2) — Management System (p20)
- AMC/GM to ANNEX I — Part-AR — GM2-ADR.AR.B.005 ~~AR-200~~(a) — Management system (p10)
- ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51-52)

- ANNEX II - Part-OR - ADR.OR.D.035 — Record keeping (p55)
- AMC/GM to ANNEX II — Part-OR — AMC1-ADR.OR.D.015(e) — Personnel requirements (p100)
- AMC/GM to ANNEX II — Part-OR — GM1-ADR.OR.D.015 ~~AR200(e)~~ — Personnel requirements (p100)
- ANNEX III — Part-OPS - ADR-OPS.B.010 (a)(3) — Rescue and fire-fighting services (p65)
- AMC/GM to ANNEX III — Part-OPS —AMC-ADR-OPS. B.055 — Fuel quality (p160)
- ANNEX III — Part-OPS —ADR-OPS.B.060 — Access to the movement area (p67-68)

2. Justification and proposed text / comment

This comment is linked with comment 869 in book II.

This comment is critical, as this is linked to an important European directive, it would be very stringent to implement it and the specifications quoted contradict themselves.

All personnel do not have to receive a "qualification", as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions. **This word ("qualification") should not be used with the meaning of the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.**

All personnel do not have to receive a "qualification", as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions and it is very stringent.

However, it seems to be the meaning used here as specified in **AMC1-ADR.OR.D.015(e)**.

What is to be evaluated is the competency of people (including their training, their diploma, their skills). Training is generally adapted to the competency: some provisions use "competency" (which is adequate) and some others use "qualification".

Moreover, those specifications are not consistent as, for instance, GM2-ADR.AR.B.005 ~~AR-200(a)~~ which contradicts GM3-ADR.AR.B.005 (a)(2) which says that the aim is to ensure "personnel remain competent".

GM2-ADR.AR.B.005 ~~AR-200(a)~~ includes a non-adequate definition, and even say that "qualification does not necessarily imply competence", which is wrong.

It is consequently asked to delete references to "qualifications", which is an important remark from France, and to replace it by "competency". It is asked to delete references to the European directive, and to revise GM2-ADR.AR.B.005 ~~AR-200(a)~~ and GM3-ADR.AR.B.005 which define these words.

Proposal:

"ADR.AR.B.005 – Management system

(a) [...]

(2) [...] Such personnel shall be ~~qualified~~ **competent** to perform their allocated tasks [...]"

"GM2-ADR.AR.B.005 AR.200(a)(2) – Management system

~~QUALIFICATION~~ **COMPETENCY OF PERSONNEL**

The term ~~qualification~~ **competency** denotes fitness for the purpose through fulfilment of the necessary conditions such as completion of required training, or acquisition of a diploma or degree.

~~Qualification~~ **It** could also be interpreted to mean capacity, knowledge, or skill that matches or suits an occasion, or makes someone eligible for a duty, office, position, privilege, or status.

~~Qualification does not necessarily imply competence.~~

Certain posts may by nature be associated with the possession of certain qualifications in a specific field (e.g. civil or electrical engineering, wildlife biology etc.). In such cases, the person occupying such a post is expected to possess the necessary qualifications at a level that is in accordance with the applicable national or community legislation."

"ADR.OR.D.015 – Personnel requirements

[...]

(d) The aerodrome operator shall have sufficient and ~~qualified~~ **competent** personnel for the planned tasks and activities to be performed in accordance with the applicable requirements.

(e) The aerodrome operator shall maintain appropriate qualification, **if relevant**, and training records [...]"

"ADR.OR.D.035 – Record-keeping

[...]

(d) [...]

(5) personnel training, qualifications, **if relevant**, and medical records [...]"

"AMC1-ADR.OR.D.015(e) – Personnel requirements

~~DETERMINATION OF PERSONNEL NEEDS AND QUALIFICATIONS~~

(a) [...]

(b) The aerodrome operator should determine the required **competencies** ~~qualifications~~, in accordance with the applicable requirements (and the national and European Union legislation where this is applicable, **for qualifications**), and include them in the aerodrome manual. A documented system with defined responsibilities should be in place, in order to identify any needs for changes with regard to personnel qualifications **and/or competency**."

"GM1-ADR.OR.D.015 AR200(e) – Personnel requirements

~~QUALIFICATION~~ **COMPETENCY OF PERSONNEL**

The term ~~qualification~~ **competency** denotes fitness for the purpose through fulfilment of the necessary conditions such as completion of required training, or acquisition of a diploma or degree. ~~Qualification~~ **It** could also be interpreted to mean capacity, knowledge, or skill that matches or suits an occasion, or makes someone eligible for a duty, office, position, privilege, or status.

~~Qualification does not necessarily imply competence.~~

Certain posts may by nature be associated with the possession of certain

qualifications in a specific field (e.g. rescue and fire-fighting, civil, mechanical or electrical engineering, wildlife biology etc.). In such cases, the person occupying such a post is expected to possess the necessary qualifications at a level that is in accordance with the applicable national or European Union legislation."

ADR-OPS.B.010 — Rescue and fire-fighting services

"(a) [...]

(3) rescue and fire-fighting personnel are properly trained and equipped and qualified to operate in the aerodrome environment without prejudice to the system and legal provisions of the relevant Member State;

[...]"

AMC-ADR-OPS.B.055 — Fuel quality (linked with comment n°908 on responsibilities)

"(a) Without prejudice to the system and legal provisions of the relevant Member State, the aerodrome operator should ensure, either by itself or through formal arrangements with third parties, that organisations involved in storing and dispensing of fuel to aircraft, implement have procedures to:

[...]

(4) Use adequately qualified and trained staff in storing, dispensing and otherwise handling fuel on the aerodrome."

response *Noted*

The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.

comment 1131 comment by: *Bezirksregierung Düsseldorf / Luftverkehr*

Der "Safety Manager" [siehe auch AMC1-ADR.OR.D.015(c)] muss in ADR.OR.D.015 gesondert und einzeln aufgeführt werden, damit dessen Bedeutung bereits im Verordnungstext deutlich wird. Es muss im Verordnungstext weiterhin deutlich hervorgehoben werden, dass der "Safety Manager" eine von der Geschäftsführung des Flughafens unabhängig und selbstständig operierende Person/Institution ist.

The "Safety Manager" [see also to AMC1-ADR.OR.D.015 (c)] has to be listed and specified in ADR.OR.D.015 separately, so that his importance becomes abundantly clear in the regulation text. Further it must be emphasized in the regulation text, that the "Safety Manager" is an independently acting person/institution.

response *Partially accepted*

The Agency believes that paragraph (c) adequately covers the issue and addresses the issue of independence of the person(s) involved. The relevant AMC have been reviewed to facilitate the understanding of the text and remove any ambiguity.

comment 1154 comment by: *ADP : Aeroports de Paris*

Référence: ADR.OR.D.015 (b) (1)

« a person for the management of the operational services and maintenance of the aerodrome ; »

Proposition/commentaire

Il convient d'apporter la modification suivante: « a person for the management of the operational services and a person for the maintenance of the aerodrome (only one person could be nominated for both functions); and »

Justification

Cette proposition permet de clarifier la possibilité que nous pouvons avoir une ou deux personnes pour ces deux fonctions.

Traduction de courtoisie

It is appropriate to bring the following amendment: « a person for the management of the operational services and a person for the maintenance of the aerodrome (only one person could be nominated for both functions); and »

This proposal clarifies the possibility that we can have one or two people for these two functions.

response *Partially accepted*

The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities

comment 1155

comment by: ADP : Aeroports de Paris

"The aerodrome operator shall nominate [...] and appropriate management for safety matters."

Référence: ADR.OR.D.015 (b) et (c)

Proposition/commentaire

L'AESA distingue les personnes chargées de la gestion des services opérationnels et de maintenance de l'aérodrome ainsi que celles devant s'assurer que l'organisation est en conformité à la réglementation d'une part, et les personnes responsables du système de gestion de la sécurité d'autre part.

En pratique, ces deux fonctions peuvent être traitées par la même personne.

Il est donc souhaité que l'AESA précise clairement et au même niveau de texte que les personnes visées en ces 2 points peuvent être la même personne.

De plus il est proposé la modification suivante pour le (c):

"This(those) person(s) shall **be able to** act independently of other managers within the organisation and shall have direct access to the accountable manager and appropriate management for safety matters."

Justification

Traduction de courtoisie

EASA distinguishes people responsible for the management of operational services and maintenance of the aerodrome as well as people who ensure that the organization is in compliance with regulations on the one hand, from people responsible for the safety management system on the other hand..

In practice, these two functions can be treated by the same person.

We would like EASA to precise clearly at the same level of text that the persons referred to these two points can be the same person.

In addition it is proposed the following amendment to the (c):

"This(those) person(s) shall **be able to** act independently of other managers within the organisation and shall have direct access to the accountable manager and appropriate management for safety matters."

response *Noted*

The Agency believes that the current text adequately covers the issue of the independence of such personnel. Moreover, the Agency believes that the issue of how the relevant posts are filled, should be at AMC level.

comment *1157*

comment by: *ADP : Aeroports de Paris*

Référence: ADR.OR.D.015 (g) (2)

« Unescorted persons operating on the movement area and other operational areas, are properly trained; »

Proposition/commentaire

Nous proposons de modifier de la manière suivante: « Unescorted persons operating on the ~~movement~~ manoeuvring area ~~and other operational areas~~, are properly trained to move on this area; »

Justification

Il est souhaité de limiter cette disposition à l'aire de manœuvre et aux déplacements sur cette aire.

L'exploitant d'aérodrome ne pourra pas s'assurer ou veiller à ce que tous les assistants d'escale opérant sur l'aire de trafic puissent être proprement formés d'autant plus qu'il n'existe pas forcément de relation contractuelle entre l'exploitant et tous les services (par exemple les assistants en escale) qui opèrent sur l'aire de trafic.

En outre, l'exploitant d'aérodrome n'a pas suffisamment de compétences pour savoir si toutes les personnes sont proprement formées pour travailler. En revanche il peut veiller à ce que des règles de sécurité (par exemple formation à l'utilisation de la radio) soient respectées pour pouvoir se déplacer sur l'aire de manœuvre.

Traduction de courtoisie

We propose the following amendment: « Unescorted persons operating on the ~~movement~~ manoeuvring area ~~and other operational areas~~, are properly trained to move on this area; »

We want to confine it to the manoeuvring area and movements on this area.

The aerodrome operator will not be able to ensure or ensure that all handling agents operating on the apron can be properly trained especially since there is not necessarily contractual relationship between the operator and all services (for example ground handling) that operate on the tarmac.

In addition, the aerodrome operator has not enough competences to know if all persons are properly trained to work. However, he/she can ensure that safety policies (for example training in the use of the radio) are observed for movement on the manoeuvring area.

response *Not accepted*

The essential requirement of the basic Regulation refers to the movement area or other operational areas and not only to the manoeuvring area.

comment 1206 comment by: *Swedish Regional Airport Association*

(1) can be interpreted as it must be one and same person for the management of operational services and the maintenance of the aerodrome..

response *Partially accepted*

The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities

comment	1207	comment by: <i>Swedish Regional Airport Association</i>
	Add "safety" after applicable	
response	<i>Noted</i>	
comment	1277	comment by: <i>Blackpool Airport - BLK/EGNH</i>
	ADR.OR.D.015(b) (1) : Amend to read "a person or group of persons". These responsibilities do not need to held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..."	
response	<i>Partially accepted</i>	
	The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities	
comment	1278	comment by: <i>Blackpool Airport - BLK/EGNH</i>
	ADR.OR.D.015 (d) : Delete "qualified" and replace with "competent". To be competent is more important than to be qualified.	
response	<i>Noted</i>	
	The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.	
comment	1328	comment by: <i>Brussels Airport</i>
	ADR.OR.D.015(c)	
	To add guidance material for the personnel requirements, more specific for the Safety Manager	
	We suggest to add one guidance material based on Appendix 2 of Chapter 8 from ICAO Doc 9859 SMM : "Sample Job Description for a Safety Manager", similar to what is done in GM1-ADR.OR.D005(b)(2) : SAFETY POLICY en GM2-ADR.OR.D005(b)(2) : EXAMPLE SAFETY POLICY.	
	So I suggest to add : GM2-ADR.OR.D.015(c) – Personnel requirements : SAFETY MANAGEMENT – EXAMPLE JOB DESCRIPTION SAFETY MANAGER : followed by the text from the sample job description for a safety manager as mentioned in Appendix 2 of Chapter 8, ICAO Doc 9859.	
response	<i>Noted</i>	
	The Agency considers that the relevant AMC and guidance material is sufficient for the purpose.	
comment	1358	comment by: <i>Gatwick Airport Ltd</i>
	(b) (1)	
	Amend to read "a person or group of persons"	
	Justification	

These responsibilities do not need to be held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..."

(d)

Delete "qualified" and replace with "competent"

Justification

To be competent is more important than to be qualified.

(e)

Amend to read "the Aerodrome Operator shall maintain appropriate records to show compliance with paragraph (d) above.

Justification

Qualification and training records may or may not be relevant for indicating all types of competency, therefore records to show competence as defined in para d are all that are required

(g) (1)

Amend to read "Aerodrome operations personnel involved in.."

Justification

This should be specific to the aerodrome operator personnel relevant, not to all personnel.

(g) (2)

Delete "are properly trained" replace with "competent to do so"

response

Partially accepted

Paragraph (b)(1) has been amended in a way that accommodates various possibilities. The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation. Moreover, maintaining training records is an essential obligation of the aerodrome operator. In addition, the Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding rescue and fire-fighting, maintenance and management personnel. Finally, the proposed wording regarding paragraph (g) (2) is not in line with the relevant essential requirement.

comment

1388

comment by: *Cologne/Bonn Airport*

(b)(1): add after "a person" "or a group of persons"

response

Partially accepted

The Agency has reviewed and amended the relevant text in a way that

accommodates various possibilities

comment 1389 comment by: *Cologne/Bonn Airport*
(C): Clarification is needed that this is the Safety Manager

response *Partially accepted*

The Agency believes that paragraph (c) adequately covers the issue. The relevant AMC have been reviewed to facilitate understanding of the text and remove any ambiguity.

comment 1416 comment by: *Salzburger Flughafen GmbH*
(b) (1) Change to:
a person or a group of persons....

response *Partially accepted*

The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities

comment 1435 comment by: *Brussels Airport - BRU/EBBR*

ADR.OR.D.035(a) & ADR.OR.D.015(e)
To add something similar as to what was in **JAR-OPS 3.985 Training Records**

(See IEM OPS 3.985)

(a) An operator shall:

- (1) Maintain records of all training, checking and qualification prescribed in JAROPS 3.945, 3.955, 3.965, 3.968 and 3.975 undertaken by a flight crew member; and
- (2) Make the records of all conversion courses and recurrent training and checking available, on request, to the flight crew member concerned.

Or as in

JAR-OPS 3.1035 Training records

(a) An operator shall:

- (1) Maintain records of all training and checking required by JAR-OPS 3.1005, 3.1010, 3.1015, 3.1020 and 3.1025; and
- (2) Make the records of all initial, conversion and recurrent training and checking available, on request, to the crew member concerned.

This will help the transfer of records in case the personnel changes from jobs or place of employment (e.g. people working for a company that is the operator of several airports. Somebody who received an initial course on Dangerous Goods, should be allowed to follow recurrent trainings, in case he changes from one airport to another, operated by the same company, without having to retake the initial course, which is probably the same anyway all over the different airports, operated by the same company).

response	<i>Accepted</i> The Agency has amended the relevant requirements in this direction.
comment	1441 comment by: <i>Belgian CAA</i> In (g)(15) it is not clear what exactly is meant with "proficiency check programmes". There should be guidance material to clarify this.
response	<i>Accepted</i> In general, proficiency checks take place in order to verify that a person continues to meet the relevant requirements in terms of skills, knowledge, capabilities etc. The Agency has provided relevant guidance material with regard to the issue.
comment	1516 comment by: <i>Flughafen Linz-Hörsching - LNZ/LOWL</i> (b) (1) change to: a person or a group of persons....
response	<i>Partially accepted</i> The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities
comment	1593 comment by: <i>Euroairport Bâle-Mulhouse</i> Attachment #220 Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.D.015 (b) (1) Référence: ADR.OR.D.015 (b) (1) « a person for the management of the operational services and maintenance of the aerodrome » Traduction de courtoisie It is appropriate to bring the following amendment: « a person for the management of the operational services and a person for the maintenance of the aerodrome (only one person could be nominated for both functions); and » This proposal clarifies the possibility that we can have one or two people for these two functions.
response	<i>Partially accepted</i> The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities
comment	1594 comment by: <i>Euroairport Bâle-Mulhouse</i> Attachment #221 Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.D.015 (b) et (c) Référence: ADR.OR.D.015 (b) et (c) "The aerodrome operator shall nominate [...] and appropriate management for safety matters."

	<p>Traduction de courtoisie EASA distinguishes people responsible for the management of operational services and maintenance of the aerodrome as well as people who ensure that the organization is in compliance with regulations on the one hand, from people responsible for the safety management system on the other hand..</p> <p>In practice, these two functions can be treated by the same person. UAF would like EASA to precise clearly at the same level of text that the persons referred to these two points can be the same person. In addition it is proposed the following amendment to the (c): "This(those) person(s) shall be able to act independently of other managers within the organisation and shall have direct access to the accountable manager and appropriate management for safety matters."</p>
response	<p><i>Noted</i></p> <p>The Agency believes that the current text adequately covers the issue of the independence of such personnel. Moreover, the Agency believes that the issue of how the relevant posts are filled, should be at AMC level.</p>
comment	<p>1595 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #222</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.D.015 (g) (2)</p> <p>Référence: ADR.OR.D.015 (g) (2) « Unescorted persons operating on the movement area and other operational areas, are properly trained; »</p> <p>Traduction de courtoisie We propose the following amendment: « Unescorted persons operating on the movement manoeuvring area and other operational areas, are properly trained to move on this area; » UAF wants to confine it to the manoeuvring area and movements on this area.</p> <p>The aerodrome operator will not be able to ensure or ensure that all handling agents operating on the apron can be properly trained especially since there is not necessarily contractual relationship between the operator and all services (for example ground handling) that operate on the tarmac.</p> <p>In addition, the aerodrome operator has not enough competences to know if all persons are properly trained to work. However, he/she can ensure that safety policies (for example training in the use of the radio) are observed for movement on the manoeuvring area.</p>
response	<p><i>Not accepted</i></p> <p>The essential requirement of the basic Regulation refers to the movement area or other operational areas and not only to the manoeuvring area.</p>
comment	<p>1644 comment by: <i>Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i></p> <p>(b)(1) Change to: a person or a group of persons.....</p>

		(c) Clarification is needed that this is the safety manager
response	<i>Partially accepted</i>	Paragraph (b)(1) has been amended in a way that accommodates various possibilities. Moreover, the Agency believes that paragraph (c) adequately covers the issue. The relevant AMC have been reviewed to facilitate understanding of the text and remove any ambiguity.
comment	1697	comment by: <i>Swedish Transport Agency</i> ADR.OR.D.015. We suggest to have consistency throughout the regulation for the titles of the different positions.
response	<i>Accepted</i>	The Agency has reviewed the text to ensure consistency of the titles used in the draft Regulation.
comment	1720	comment by: <i>Flughafen Graz Betriebs GmbH</i> (b)(1) Change to: a person or a group of persons.....
response	<i>Partially accepted</i>	The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities
comment	1779	comment by: <i>Assaeroporti - Associazione Italiana Gestori Aeroporti</i> (b) (1) we suggest to insert after a person "or a group of persons" to be consistent with (2).
response	<i>Partially accepted</i>	The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities
comment	1824	comment by: <i>UK CAA</i> Page No: 51 Paragraph No: ADR.OR.D.015(b)(1) Comment: The IR is too prescriptive and should not include individual roles as they may not be relevant at all aerodromes. Justification: The safety management approach to this is to allow the aerodrome operator to determine a suitable structure and management team, to cover operations and maintenance, which could be done by one or more individuals. The size of the aerodrome should drive whether

	<p>individual or combined roles are required.</p> <p>Proposed Text: (b) "The aerodrome operator shall nominate:</p> <p>(1) a person or group of persons for the management of the operational services and maintenance of the aerodrome".</p> <p>No change to (b)(2).</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities</p>
comment	<p>1826 comment by: UK CAA</p> <p>Page No: 51</p> <p>Paragraph No: ADR.OR.D.015(c)</p> <p>Comment: The requirement at (c) is not found in the equivalent provisions relating to aircrew and operations, namely ORA/ORA.GEN.200, and is not needed here.</p> <p>Justification: The UK CAA considers that identical provisions should be used in Authority Requirements across all domains unless new or amended requirements, specific to a particular domain, can be justified. Moreover, the existence of a provision in one area and not in another suggests a difference of intent. If needed, this provision should only be Acceptable Means of Compliance. The requirement for an operator to have a safety management system is included in ADR.OR.D.005 (a). Additionally, in OR.D.005(b) the requirements is included for the management system to include lines of responsibility and accountability, which addresses the proposed IR at OR.D.015(c), so this can be included as an Acceptable Means of Compliance.</p> <p>Proposed Text: Delete (c) and, if necessary, replace with AMC and consider including the same AMC in other domains.</p> <p>New: AMC2-ADR.OR.D.015(c): "The aerodrome operator may choose to nominate a person or group of persons to oversee the development, maintenance and day-to-day management of the safety management system. Those persons should have direct access to the accountable manager and appropriate management for safety matters."</p>
response	<p><i>Noted</i></p> <p>The Agency does not share the view of the suggested relationship between ADR.OR.D.005 (a), OR.D.005(b) and OR.D.015(c). In fact, OR.D.015(c) is aiming at addressing the relevant ICAO provisions contained in Annex 14, Appendix 7 item 1.3, while requirement OR.D.005(b) is addressing the relevant ICAO provisions namely Annex 14 paragraph 1.5.4 and its Appendix 7, item 1.2.</p>
comment	<p>1918 comment by: Stansted Airport</p>

	ADR.OR.D.015(b) (1)	
	Amend to read "a person or group of persons"	
	These responsibilities do not need to held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..."	
response	<i>Partially accepted</i>	
	The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities	
comment	1919	comment by: <i>Stansted Airport</i>
	ADR.OR.D.015 (d)	
	Delete "qualified" and replace with "competent"	
	To be competent is more important than to be qualified.	
response	<i>Noted</i>	
	The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.	
comment	1920	comment by: <i>Stansted Airport</i>
	ADR.OR.D.015(g) (1)	
	Amend to read "Aerodrome operations personnel involved in.."	
	This should be specific to the aerodrome operator personnel relevant, not to all personnel.	
response	<i>Noted</i>	
	The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding rescue and fire-fighting, maintenance and management personnel.	
comment	1972	comment by: <i>London Luton Airport Operations Ltd</i>
	at (g) there are many roles where an industry qualification does not exist and a person may hold other competent attributes which may be applicable. take out "qualified" and replace this with "competent".	
response	<i>Noted</i>	
	The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.	
comment	1973	comment by: <i>Aéroport de Marseille - MRS/LFML</i>

b1/ It is appropriate to bring the following amendment: « a person for the management of the operational services and a person for the maintenance of the aerodrome (only one person could be nominated for both functions); and »

This proposal clarifies the possibility that we can have one or two people for these two functions.

b and c/ EASA distinguishes people responsible for the management of operational services and maintenance of the aerodrome as well as people who ensure that the organization is in compliance with regulations on the one hand, from people responsible for the safety management system on the other hand..

In practice, these two functions can be treated by the same person. UAF would like EASA to precise clearly at the same level of text that the persons referred to these two points can be the same person.

In addition it is proposed the following amendment to the (c):
 "This(those) person(s) shall be able to act independently of other managers within the organisation and shall have direct access to the accountable manager and appropriate management for safety matters."

g2/ We propose the following amendment: « Unescorted persons operating on the movement manoeuvring area and other operational areas, are properly trained to move on this area; »

response *Partially accepted*

Paragraph (b)(1) has been amended in a way that accommodates various possibilities.

Moreover, the Agency believes that the current text of paragraph (c) adequately covers the issue of the independence of such personnel. In addition, The Agency believes that the issue of how the relevant posts are filled, should be at AMC level.

Finally, the essential requirement of the basic Regulation refers to the movement area or other operational areas and not only to the manoeuvring area.

comment 1990 comment by: *Geneva International Airport (ROMIG)*
 ADR.OR.D.015 (b)(1) - Add after a person "or group of persons". This allows consistency with (2).

response *Partially accepted*

The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities

comment 2045 comment by: *Airport Operators Association*
ADR.OR.D.015(b) (1) Amend to read "a person or group of persons"
 Justification - These responsibilities do not need to be held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..."

	<p>ADR.OR.D.015 (d) Delete "qualified" and replace with "competent"</p> <p>Justification – In our view it is more important to be competent than to be qualified.</p> <p>ADR.OR.D.015(g) (1) This should be amended to read "Aerodrome operations personnel involved in.."</p> <p>Justification - This should be specific to the aerodrome operator personnel relevant, not to all personnel.</p>
response	<p><i>Partially accepted</i></p> <p>Paragraph (b)(1) has been amended in a way that accommodates various possibilities.</p> <p>The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.</p> <p>Finally, the Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding rescue and fire-fighting, maintenance and management personnel.</p>
comment	<p>2165 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #223</p> <p>UAF NPA 2011-20 (B.I) ADR.OR.D.015 (b) (1)</p> <p>Référence: ADR.OR.D.015 (b) (1)</p> <p>« a person for the management of the operational services and maintenance of the aerodrome »</p> <p>Traduction de courtoisie</p> <p>It is appropriate to bring the following amendment: « a person for the management of the operational services and a person for the maintenance of the aerodrome (only one person could be nominated for both functions); and »</p> <p>This proposal clarifies the possibility that we can have one or two people for these two functions.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities</p>
comment	<p>2186 comment by: <i>CAA CZ</i></p> <p>Comment by Karlovy Vary airport</p> <p>We proposed modified wording of following paragraph : ADR.OR.D.015 – Personnel requirements</p> <p>(b) The aerodrome operator shall nominate:</p> <p>(1) a person or persons for the management of the aerodrome operation and maintenance of the aerodrome; and</p> <p>Note: On small aerodromes one person can be responsible for both functions – aerodrome operation and maintenance, on bigger aerodromes the fulfilment of aerodrome maintenance and operation is usually split in two functions which are managed by two different persons.</p>

comment	<p>2316 comment by: <i>Munich Airport International</i></p> <p><u>(b)</u></p> <p>(1): add after a person "or group of persons"</p> <p>Justification: to be consistent with (2)</p> <p><u>(c)</u></p> <p>Clarification is needed that this is the safety manager</p>
response	<p><i>Partially accepted</i></p> <p>Paragraph (b)(1) has been amended in a way that accommodates various possibilities. The Agency believes that paragraph (c) adequately covers the issue. The relevant AMC will be reviewed to facilitate understanding of the text and remove any ambiguity.</p>
comment	<p>2347 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>We propose the following amendment: « Unescorted persons operating on the movement manoeuvring area and other operational areas, are properly trained to move on this specific area; »</p> <p>Pau Pyrenees airport wants to confine it to the manoeuvring area and movements on this area.</p> <p>The aerodrome operator will not be able to ensure or ensure that all handling agents operating on the apron can be properly trained especially since there is not necessarily contractual relationship between the operator and all services (for example ground handling) that operate on the tarmac. Control does not mean authority.</p> <p>In addition, the aerodrome operator has not enough competences to know if all persons are properly trained to work. However, he/she can ensure that safety policies (for example training in the use of the radio) are observed for movement on the manoeuvring area.</p> </div>
response	<p><i>Not accepted</i></p> <p>The essential requirement of the basic Regulation refers to the movement area or other operational areas and not only to the manoeuvring area.</p>
comment	<p>2353 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>EASA distinguishes people responsible for the management of operational services and maintenance of the aerodrome as well as people who ensure that the organization is in compliance with regulations on the one hand, from people responsible for the safety management system on the other hand..</p>

	In relation to (b)-(1), the text should be amended to state: "a person or group of persons" to promote consistency with (b)-(2) and acknowledge that these responsibilities need not necessarily be held by one individual and an aerodrome operator could identify a number of individuals with responsibility for these tasks.
response	<i>Partially accepted</i> The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities
comment	2420 comment by: <i>Dublin Airport Authority</i> In relation to point (c), guidelines should clearly set out what is considered to constitute independence particularly as operations at smaller airports necessitate cross functional approaches to the operation, maintenance and management of the aerodrome.
response	<i>Noted</i>
comment	2422 comment by: <i>Dublin Airport Authority</i> (g) (1) should be amended to allow third-party organisations performing such tasks at an airport to be made responsible for the training, capabilities and awareness of their own staff. Not all personnel at an airport are under the direct control of the aerodrome operator.
response	<i>Noted</i> Third party organisations are covered under subparagraph (g)(2).
comment	2423 comment by: <i>Dublin Airport Authority</i> Guidance should also be given in relation to the scale, nature and frequency of the proposed proficiency checks, (g)-(3), for persons operating in movement and other operational areas of the aerodrome. If the expectation is that the aerodrome operator is to implement sanctions against individuals or companies who do not reach an appropriate standard with regard to proficiency checks this poses a particular difficulty in Ireland due to the transposition of the Groundhandling Directive (S.I. 505 of 1998) which vested the Commission for Aviation Regulation as the competent authority for the issuing of Groundhandling approvals. Irish airports therefore cannot impose sanctions directly on groundhandlers and cannot seek to exclude them from operating at the aerodromes as this could be construed as a restraint of trade or breach of competition law.
response	<i>Accepted</i> The Agency has provided relevant material to clarify the requirements for proficiency checks. Proficiency checks are not related to sanctions but rather checking one's skills, knowledge, capabilities etc.
comment	2438 comment by: <i>Turin Airport - TRN/LIMF</i> (b) (1) we suggest to insert after a person "or a group of persons" to be consistent with (2).

response *Partially accepted*

The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities

comment 2499 ❖ comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.A.001 (p16)
- ANNEX I - Part-AR - ADR.AR.B.005 – Management system (p20)
- ANNEX I - Part-AR - ADR.AR.B.015 – Changes to the management system (p21)
- ANNEX I - Part-AR - ADR.AR.B.020 – Record-keeping (p22)
- ANNEX II - Part-OR - ADR.OR.B.040 – (p41)
- ANNEX II - Part-OR - ADR.OR.B.045 – Assessment of changes (p42)
- ANNEX II - Part-OR - ADR.OR.D.007 – Management of aeronautical data and aeronautical information (p50)
- ANNEX II - Part-OR - ADR.OR.D.015 – Personnel requirements (p51)
- ANNEX II - Part-OR - ADR.OR.D.025 – Coordination with other relevant organisations (p53)

The above rules are affected and should be revised, however, this list could not be considered exhaustive : related AMC and CS should be revised accordingly

2. Justification and proposed text / comment

This comment is linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)

Regulation (EC) N°216/2008 states that “The Agency shall conduct standardisation inspections *in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*” Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States to have a “Management System”, with additional requirements on personnel, notably functions to monitor compliance, which induces administrative burden and huge costs: this is the State competency.

It is asked to EASA to delete the notion of a management system for the State, and to limit its regulation to the obligation, for the State, to have adequate procedures and resources to certify, and perform the oversight of aerodromes. It is to note that the Cover regulation only mentions **“safety” management system, even in the aerodrome manual (ADR.OR.E.010).**

The above rules are affected and should be revised, however, this list

	<u>could not be considered exhaustive</u>
response	<p><i>Noted</i></p> <p>The Agency cannot relate this comment to the particular requirement and therefore cannot provide an answer.</p>
comment	<p>2533 comment by: <i>Shannon Airport</i></p> <p>(b)-(1), the text should be amended to state: "a person or group of persons" to promote consistency with (b)-(2) and acknowledge that these responsibilities need not necessarily be held by one individual and an aerodrome operator could identify a number of individuals with responsibility for these tasks.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities</p>
comment	<p>2534 comment by: <i>Shannon Airport</i></p> <p>(c), guidelines should clearly set out what is considered to be constitute independence particularly as operations at smaller European airports necessitate cross functional approaches to the operation, maintenance and management of the aerodrome.</p>
response	<p><i>Accepted</i></p> <p>The Agency has reviewed and amended the relevant AMC and guidance material.</p>
comment	<p>2535 comment by: <i>Shannon Airport</i></p> <p>(g)1 Amend to read: "Aerodrome operations personnel involved in"</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding rescue and fire-fighting, maintenance and management personnel.</p>
comment	<p>2536 comment by: <i>Shannon Airport</i></p> <p>Guidance is required in relation to the scale, nature and frequency of the proposed proficiency checks, (g)-(3), for persons operating in movement and other operational areas of the aerodrome. If the expectation is that the aerodrome operator is to implement sanctions against individuals or companies who do not reach an appropriate standard with regard to proficiency checks this poses a particular difficulty in Ireland due to the transposition of the Groundhandling Directive (S.I. 505 of 1998) which vested the Commission for Aviation Regulation as the competent authority for the issuing of Groundhandling approvals. Irish airports therefore cannot impose sanctions directly on groundhandlers and cannot seek to exclude them from operating at the aerodromes as this could be construed</p>

	as a restraint of trade or breach of competition law.
response	<p><i>Accepted</i></p> <p>The Agency has provided relevant material to clarify the requirements for proficiency checks. Proficiency checks are not related to sanctions but rather checking one's skills, knowledge, capabilities etc.</p>
comment	<p>2564 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i></p> <p>ADR.OR.D.015-Personal requeriments has not any flexibility and It would be a problem because that requirements apply to small and large airports and that requirements it is not possible to fulfill in small airports. An example of that is the Safety Manager that in small airports, he shall have another duties because he does not have enough work for his day-to-day.</p> <p>It is proposed to change:</p> <p>...</p> <p>c) A person or group of persons shall be nominated by the aerodrome operator for the development, maintenance and day-to-day management of the safety management of the safety management system. This (those) person (s) shall act independently of other managers within the organisation and shall have direct access to the accountable manager and appropriate management for safety matters. At small airports that person could have another duties as operational services or maintenance of aerodrome.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency believes that the necessary flexibility is already contained in the relevant requirements, while the relevant amended AMC provide more flexibility less complex aerodrome operators.</p>
comment	<p>2628 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Document Reference: Annex II – Part OR (BI)</p> <p>Page No: 51</p> <p>Paragraph No: ADR.OR.D.015 (b) (1)</p> <p>Comment These responsibilities do not need to held by one individual. Amend to read "a person or group of persons. "An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities</p>
comment	<p>2629 comment by: <i>Infratil Airports Europe Ltd</i></p>

	Page No: 52	
	Paragraph No: ADR.OR.D.015 (d)	
	Comment Delete "qualified" and replace with "competent". To be competent is more important than to be qualified.	
response	<i>Noted</i> The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.	
comment	2630	comment by: <i>Infratil Airports Europe Ltd</i>
	Page No: 52	
	Paragraph No: ADR.OR.D.015 (d)	
	Comment Amend to read "Aerodrome operations personnel involved in.."This should be specific to the aerodrome operator personnel relevant, not to all personnel.	
response	<i>Noted</i> The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding rescue and fire-fighting, maintenance and management personnel.	
comment	2675	comment by: <i>HIA - Highlands and Islands Airports Limited</i>
	D.015 (d) Replace <i>qualified</i> with <i>competent</i> – more important to be competent than qualified	
response	<i>Noted</i> The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.	
comment	2716	comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>
	ADR.OR.D.015(b) (1)	Amend to read "a person or group of persons" These responsibilities do not need to be held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..."
response	<i>Partially accepted</i> The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities	
comment	2717	comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>

	ADR.OR.D.015 (d)	Delete "qualified" and replace with "competent"	To be competent is more important than to be qualified.
response	<i>Noted</i> The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.		
comment	2718 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>		
	ADR.OR.D.015(g) (1)	Amend to read "Aerodrome operations personnel involved in.."	This should be specific to the aerodrome operator personnel relevant, not to all personnel.
response	<i>Noted</i> The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding maintenance and management personnel.		
comment	2745 comment by: <i>Aberdeen Airport Airside Operations</i>		
	(b) (1) - Amend to read "a person or group of persons"		
	These responsibilities do not need held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for...."		
	(d) - Delete "qualified" and replace with "competent"		
	To be competent is more important than being qualified		
	(g) (1) - Amend to read "Aerodrome operations personnel involved in"		
	This should be specific to the aerodrome operator personnel relevant, not all personnel		
response	<i>Partially accepted</i> Paragraph (b)(1) has been amended in a way that accommodates various possibilities. The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation. The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding maintenance and management personnel.		
comment	2761 comment by: <i>TAG Farnborough Airport Ltd</i>		
	Replace the word 'qualified' with competent in para (d).		

response	<i>Noted</i> The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.
comment	2779 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i> see Comment B.II 2581 GM1-ADR.OR.D.015.AR.200(e) – Personnel Requirements, Qualification of personnel The term qualification denotes fitness for the purpose through fulfilment of the necessary conditions such as completion of required training, or acquisition of a diploma or degree. Qualification could also be interpreted to mean capacity, knowledge, or skill that matches or suits an occasion, or makes someone eligible for a duty, office, position, privilege, or status. Qualification does not necessarily imply competence. It may be more consistent for the national authority (CAA) to set out qualification requirements in an AMC.
response	<i>Noted</i>
comment	2780 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i> See comment B.II 2582 AMC2-ADR.OR.015 (g) – Personnel requirements, Instructors – Assessors Fits with current UK practice. Consider supporting. Consider inclusion of competence scheme details in Aerodrome Manual.
response	<i>Noted</i>
comment	2794 comment by: <i>Danish Transport Authority</i> The first 3 items (a) (b) and © should be moved to a new paragraph regarding "Nominated persons in the management system". The nomination of a person to the operational and maintenance services are defined clearly throughout the NPA. It could be several persons. Experience shows a need for a aerodrome manager who are responsible for day to day operations, daily contact with competent authority ect. As mentioned ealier parts with nominated post holders in the "terms of approval" should be left out.
response	<i>Partially accepted</i> The Agency has reviewed the requirement and separated the personnel requirements from the training requirements. Moreover, paragraph (b)(1) has been amended in a way that accommodates various possibilities while nominated personnel are not be included in the "terms of approval".
comment	2826 comment by: <i>Flughafen Klagenfurt</i> (b)(1) Cange to:

	a person or a group of persons.....
response	<i>Partially accepted</i> The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities

comment	2926	comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN
	Référence: ADR.OR.D.015 (b) (1)	« a person for the management of the operational services and maintenance of the aerodrome ; »
	Proposition/commentaire	Il convient d'apporter la modification suivante: « a person for the management of the operational services and a person for the maintenance of the aerodrome (only one person could be nominated for both functions); and »
	Justification	Cette proposition permet de clarifier la possibilité que nous pouvons avoir une ou deux personnes pour ces deux fonctions.
	Traduction de courtoisie	It is appropriate to bring the following amendment: « a person for the management of the operational services and a person for the maintenance of the aerodrome (only one person could be nominated for both functions); and » This proposal clarifies the possibility that we can have one or two people for these two functions.
response	<i>Partially accepted</i> The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities	

comment	2928	comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN
	Référence: ADR.OR.D.015 (b) et (c)	"The aerodrome operator shall nominate [...] and appropriate management for safety matters."
	Proposition/commentaire	L'AESA distingue les personnes chargées de la gestion des services opérationnels et de maintenance de l'aérodrome ainsi que celles devant s'assurer que l'organisation est en conformité à la réglementation d'une part, et les personnes responsables du système de gestion de la sécurité

	<p>d'autre part. En pratique, ces deux fonctions peuvent être traitées par la même personne. L'UAF souhaite donc que l'AESA précise clairement et au même niveau de texte que les personnes visées en ces 2 points peuvent être la même personne.</p> <p>De plus il est proposé la modification suivante pour le (c): "This(those) person(s) shall be able to act independently of other managers within the organisation and shall have direct access to the accountable manager and appropriate management for safety matters."</p>
Justification	
Traduction de courtoisie	<p>EASA distinguishes people responsible for the management of operational services and maintenance of the aerodrome as well as people who ensure that the organization is in compliance with regulations on the one hand, from people responsible for the safety management system on the other hand..</p> <p>In practice, these two functions can be treated by the same person. UAF would like EASA to precise clearly at the same level of text that the persons referred to these two points can be the same person.</p> <p>In addition it is proposed the following amendment to the (c): "This(those) person(s) shall be able to act independently of other managers within the organisation and shall have direct access to the accountable manager and appropriate management for safety matters."</p>
response	<p><i>Noted</i></p> <p>The Agency believes that the current text adequately covers the issue of the independence of such personnel. Moreover, the Agency believes that the issue of how the relevant posts are filled, should be at AMC level.</p>
comment	<p>2930 comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i></p> <p>Référence: ADR.OR.D.015 (g) (2) < Unescorted persons operating on the movement area and other operational areas, are properly trained; ></p>

Proposition/commentaire	Nous proposons de modifier de la manière suivante: « Unescorted persons operating on the movement manoeuvring area and other operational areas , are properly trained to move on this area; »
Justification	<p>ACA souhaite limiter cette disposition à l'aire de manœuvre et aux déplacements sur cette aire.</p> <p>L'exploitant d'aérodrome ne pourra pas s'assurer ou veiller à ce que tous les assistants d'escale opérant sur l'aire de trafic puissent être proprement formés d'autant plus qu'il n'existe pas forcément de relation contractuelle entre l'exploitant et tous les services (par exemple les assistants en escale) qui opèrent sur l'aire de trafic.</p> <p>En outre, l'exploitant d'aérodrome n'a pas suffisamment de compétences pour savoir si toutes les personnes sont proprement formées pour travailler. En revanche il peut veiller à ce que des règles de sécurité (par exemple formation à l'utilisation de la radio) soient respectées pour pouvoir se déplacer sur l'aire de manœuvre.</p>
Traduction de courtoisie	<p>We propose the following amendment: « Unescorted persons operating on the movement manoeuvring area and other operational areas, are properly trained to move on this area; »</p> <p>ACA wants to confine it to the manoeuvring area and movements on this area. The aerodrome operator will not be able to ensure or ensure that all handling agents operating on the apron can be properly trained especially since there is not necessarily contractual relationship between the operator and all services (for example ground handling) that operate on the tarmac.</p> <p>In addition, the aerodrome operator has not enough competences to know if all persons are properly trained to work. However, he/she can ensure that safety policies (for example training in the use of the radio) are observed for movement on the manoeuvring area.</p>
response	<p><i>Not accepted</i></p> <p>The essential requirement of the basic Regulation refers to the movement area or other operational areas and not only to the manoeuvring area.</p>

comment	<p>2931 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(b)(1) Amend to read "a person or group of persons"</p> <p>Justification: These responsibilities do not need to held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..."</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities</p>
comment	<p>2932 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(d) Delete "qualified" and replace with "competent"</p> <p>Justification: Qualifications are only part of the requirements to justify competence.</p>
response	<p><i>Noted</i></p> <p>The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.</p>
comment	<p>2954 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(g) (1) Amend to read "Aerodrome operations personnel involved in.."</p> <p>Justification: This should be specific to the aerodrome operators personnel, not to all personnel.</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding maintenance and management personnel.</p>
comment	<p>3008 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.D.015(b) (1)</p> <p>Amend to read "a person or group of persons"</p> <p>These responsibilities do not need to held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..."</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities</p>
comment	<p>3021 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.D.015 (d)</p>

	<p>Delete "qualified" and replace with "competent"</p> <p>To be competent is more important than to be qualified.</p>
response	<p><i>Noted</i></p> <p>The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.</p>
comment	<p>3022 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.D.015(g) (1)</p> <p>Amend to read "Aerodrome operations personnel involved in.."</p> <p>This should be specific to the aerodrome operator personnel relevant, not to all personnel.</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding maintenance and management personnel.</p>
comment	<p>3177 comment by: <i>DAA Cork Airport</i></p> <p>(b)- (1) the text should be amended to state: "a person or group of persons" to promote consistence with (b) -(2) and acknowledge that these responsibilities need not necessarily be held by one individual and an aerodrome operator could identify a number of individuals with responsibility for these tasks.</p>
response	<p><i>Partially accepted</i></p> <p>Paragraph (b) has been amended in a way that accommodates various possibilities. The amended AMC clarify further this issue and provide the necessary flexibility for less complex aerodrome operators.</p>
comment	<p>3178 comment by: <i>DAA Cork Airport</i></p> <p>In relation to point (c), guidelines should clearly set out what is considered to constitute independence particularly as operations at smaller European airports necessitate cross functional approaches to the operation, maintenance and management of the aerodrome.</p>
response	<p><i>Noted</i></p>
comment	<p>3180 comment by: <i>DAA Cork Airport</i></p> <p>(g) (1) - Amend to read: "Aerodrome operations personnel involved in" – This would add clarity and note that this obligation will be specific to the aerodrome operator personnel and not all personnel operating on the aerodrome.</p>

The essential requirement of the basic Regulation refers to the movement area or other operational areas and not only to the manoeuvring area.

comment	3273 comment by: CAA SR
	<p>Proposal: ADR.OR.D.015 — Personnel requirements(a) The aerodrome operator shall appoint an accountable manager, who has the competency and authority for ensuring that all activities can be financed and carried out in accordance with the applicable requirements. The accountable manager shall be responsible for establishing and maintaining an effective management system.</p> <p>Argument: Accountable manager shall have also sufficient <i>knowledge and competency</i> to control aerodrome and its functions. Similar requirements also apply to aircraft operators.</p>
response	<p><i>Noted</i></p> <p>The Agency considers that the content of AMC1-ADR.OR.D.015(a) describes the qualities of the accountable manager in an adequate manner.</p>
comment	<p>3274 comment by: London Biggin Hill Airport</p> <p>ADR.OR.D.015 (b)(1) Amend to read "a person or group of persons" These responsibilities do not need to held by one individual. An alternative suggestion would be to say "The aerodrome operator shall identify individuals with responsibilities for..." (d) Delete "qualified" and replace with "competent" It is more important to be competent than it is to be qualified. (g)(1) Amend to read" Aerodrome operations personnel involved in.." this should not just be all personnel but should be specific to aerodrome operations personnel.</p>
response	<p><i>Partially accepted</i></p> <p>Paragraph (b)(1) has been amended in a way that accommodates various possibilities. The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation. The Agency has the view that paragraph (g)(1) is not ambiguous, while the suggested text focuses only on operations personnel, therefore excluding maintenance and management personnel.</p>
comment	<p>3314 comment by: Southampton Airport</p> <p>Under (d) - replace qualified with competent.</p>
response	<p><i>Noted</i></p> <p>The term qualified is used in the text because it is already used in the essential requirement of Annex Va of the Basic Regulation.</p>

comment	3364	comment by: <i>ADV -German Airports Association</i>
	<p>ADR.OR.D.015 (b) (1) add after a person "or group of persons"</p> <p>Justification: to be consistent with (2)</p>	
response	<i>Partially accepted</i>	
	The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities	
comment	3365	comment by: <i>ADV -German Airports Association</i>
	<p>ADR.OR.D.015 (c) Clarification is needed that this ist he safety manager</p>	
response	<i>Noted</i>	
	The duties and responsibilities of the safety manager are further clarified in the relevant AMC.	
comment	3378	comment by: <i>MST / STR - Stuttgart Airport</i>
	<p>ADR.OR.D.015 (b) (1) add after a person "or group of persons"</p> <p>Justification: to be consistent with (2)</p>	
response	<i>Partially accepted</i>	
	The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities	
comment	3379	comment by: <i>MST / STR - Stuttgart Airport</i>
	<p>ADR.OR.D.015 (c) Clarification is needed that this ist he safety manager</p>	
response	<i>Noted</i>	
	The duties and responsibilities of the safety manager are further clarified in the relevant AMC.	
comment	3483 ❖	comment by: <i>Fraport AG</i>
	<p>Annex II - Part- OR Subpart D</p> <p>General</p> <p>Fraport in general supports the reinforcement of SMS. Never the less a few comments will be made.</p>	

response	<i>Noted</i>
comment	<p>3486 comment by: <i>Fraport AG</i></p> <p>ADR.OR.D.015 - Personnel requirements (a)</p> <p>Editorial</p> <p>The aerodrome operator shall appoint an accountable manager, who has the authority for ensuring that all activities can be financed and carried out in accordance with the applicable requirements. The accountable manager shall be responsible for establishing and maintaining an effective management system.</p> <p>Specify the relation of position to CEO, COO etc.</p> <p>Fraport AG: EASA should define the qualification of the accountable manager and the position in relation to the organization structure.</p>
response	<p><i>Accepted</i></p> <p>The duties and responsibilities of the accountable manager are further clarified in the relevant AMC, while the Agency has also provided GM1-ADR.OR.D.015(a). The title of the accountable manager may vary depending on the legal system and legal personality of the aerodrome operator.</p>
comment	<p>3487 comment by: <i>Fraport AG</i></p> <p>ADR.OR.D.015 - Personnel requirements (b) (1)</p> <p>Editorial</p> <p>a person for the management of the operational services and maintenance of the aerodrome; and</p> <p>Proposed Text a person or a group of persons for the management of the operational services and maintenance of the aerodrome; and</p> <p>Fraport AG: These responsibilities do not need to hold by one individual. In addition consistency would be achieved with paragraph (2).</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities</p>
comment	<p>3488 comment by: <i>Fraport AG</i></p> <p>ADR.OR.D.015 - Personnel requirements (b) (1) and (2)</p> <p>Question</p>

	<p>(1) a person for the management of the operational services and maintenance of the aerodrome; and (2) a person or group of persons with the responsibility of ensuring that the organisation remains in compliance with the applicable requirements.</p> <p>Fraport AG: Is there the need to achieve two different persons or groups of persons for the mentioned tasks in paragraph (b) or may this be done by the same personal?</p>
response	<p><i>Accepted</i></p> <p>The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities, while the objectivity of the compliance monitoring is of primary importance. This is clarified in the relevant AMC, which have also been amended to accommodate the case of less complex aerodrome operators.</p>
comment	<p>3489 comment by: <i>Fraport AG</i></p> <p>ADR.OR.D.015 - Personnel requirements (g) (1)</p> <p>Editorial</p> <p>personnel involved in the operation, maintenance and management of the aerodrome shall:</p> <p>Proposed Text aerodrome personnel involved in the operation, maintenance and management of the aerodrome shall:</p> <p>Fraport AG: This should be specific to the aerodrome operator personnel relevant, not to all personnel which might be involved in a safety relevant process.</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that paragraph (g)(1) is not ambiguous and it is in accordance with the relevant requirement of Annex Va of the Basic Regulation, while the case of rescue and fire fighting personnel is not covered. Personnel of other organisations allowed unescorted access to the movement area or other operational areas fall under paragraph (g)(2).</p>
comment	<p>3575 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #226</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OR.D.015 (b) et (c)</p> <p>Référence: ADR.OR.D.015 (b) et (c) "The aerodrome operator shall nominate [...] and appropriate management for safety matters."</p> <p>Traduction de courtoisie EASA distinguishes people responsible for the management of operational</p>

"The aerodrome operator shall nominate [...] and appropriate management for safety matters."

Traduction de courtoisie
EASA distinguishes people responsible for the management of operational services and maintenance of the aerodrome as well as people who ensure that the organization is in compliance with regulations on the one hand, from people responsible for the safety management system on the other hand..

In practice, these two functions can be treated by the same person. UAF would like EASA to precise clearly at the same level of text that the persons referred to these two points can be the same person. In addition it is proposed the following amendment to the (c): "This(those) person(s) shall be able to act independently of other managers within the organisation and shall have direct access to the accountable manager and appropriate management for safety matters."

response *Partially accepted*

The Agency has reviewed and amended the relevant text in a way that accommodates various possibilities. while the objectivity of the compliance monitoring is of primary importance. This is clarified in the relevant AMC, which have also been amended to accommodate the case of less complex aerodrome operators. With regard to paragraph (c), the Agency has the view that the current text adequately covers the issue of the independence of such personnel. Moreover, the Agency believes that the issue of how the relevant posts are filled, should be at AMC level.

comment 3598 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#229](#)

UAF NPA 2011-20 (B.I) ADR.OR.D.015 (g) (2)

Référence: ADR.OR.D.015 (g) (2)
« Unescorted persons operating on the movement area and other operational areas, are properly trained; »

Traduction de courtoisie
We propose the following amendment: « Unescorted persons operating on the ~~movement~~ manoeuvring area and ~~other operational areas~~, are properly trained to move on this area; »
UAF wants to confine it to the manoeuvring area and movements on this area.

The aerodrome operator will not be able to ensure or ensure that all handling agents operating on the apron can be properly trained especially since there is not necessarily contractual relationship between the operator and all services (for example ground handling) that operate on the tarmac.

In addition, the aerodrome operator has not enough competences to know if all persons are properly trained to work. However, he/she can ensure that safety policies (for example training in the use of the radio) are observed for movement on the manoeuvring area.

response *Not accepted*

The essential requirement of the basic Regulation refers to the movement

area or other operational areas and not only to the manoeuvring area.

ANNEX II - Part-OR - ADR.OR.D.020 – Facilities requirements

p. 52-53

comment	<p>126</p> <p style="text-align: right;">comment by: Flughafen Düsseldorf GmbH</p> <p>ADR.OR.D.020 – Facilities requirements REV</p> <p>(a) (a) The aerodrome operator shall ensure that adequate and appropriate facilities, including <u>office accommodation and working space, [g1]</u> are available to its personnel or personnel employed by parties with whom it has contracted for the provision of aerodrome operational and maintenance services, to allow the performance and management of all tasks and activities, in accordance with the applicable requirements.</p> <hr/> <p>[g1]Das ist zu detailliert und könnte zu der Ableitung von Ansprüchen auf bestimmte Büroräume führen, besser streichen</p>
response	<p><i>Partially accepted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p>

comment	<p>307</p> <p style="text-align: right;">comment by: BAA Airside operations</p> <p>(a) Delete This is not necessary to be stated and is also inappropriate as an IR.</p> <p>(b) (1) Delete This is not a responsibility of the aerodrome operator. Storage and handling of DG are the responsibility of the freight operators and the airlines and handling agents.</p> <p>(b) (2) Amend to read "for the oversight of storage and ..." A high level oversight role is appropriate for the aerodrome operator.</p>
response	<p><i>Partially accepted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774), while paragraph (b) (2) has been removed.</p>

comment	<p>359 comment by: <i>Danish Transport Authority</i></p>
	<p>The use of the terms "hazardous material", "dangerous goods" and "Technical Instructions" throughout the documents must be clarified.</p>
response	<p><i>Accepted</i></p>
	<p>The term "hazardous material" has been replaced with the term "dangerous goods". The terms "dangerous goods" and "technical Instructions" are already included in the definitions.</p>
comment	<p>360 comment by: <i>Danish Transport Authority</i></p>
	<p>The ground handling provider of fuel must ensure that handling of aviation fuel are adequate and with appropriate facilities. Handling of aviation fuel must be ensured by the groundhandling service that provides this on the aerodrome. The owner of aviation storage facilities shall have the responsibility of ensuring adequate and appropriate facilities. Permit to establish the storage facilities must be obtained at the aerodrome operator. The owner of storage facilities shall at any time provide/give access to documentation to the aerodrome operator that the facilities complies with the industry requirements. Suggest rephrasing to "The aerodrome operator shall ensure, as applicable, that procedures are in place so adequate and appropriate facilities exist at the aerodrome: (2) for the storage and handling of aviation fuel. The aerodrome operator (or his representative) should audit the fuel operator, not be directly responsible for the condition/adequacy of the fuel operators facility/installation. The rephrasing will also align this section to the wording of ADR-OPS.B.55 + its AMC.The Storage and handling of dangerous goods are the reponsibility of the handlers/shipper and the aircraft operator.</p>
response	<p><i>Partially accepted</i></p>
	<p>The Agency has removed paragraph (b)(2).</p>
comment	<p>383 comment by: <i>Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)</i></p>
	<p>ADR.OR.D.020(a) and (b)(1):</p> <p>This is not a responsibility of the aerodrome operator. Storage and handling of DG are the responsibility of the freight operators and the airlines and handling agents and under supervision of the competent authority. Also the handling/storage of fual is something between the airlines/pilots and fual handling agents.</p> <p>For both a high level oversight role is more than appropriate for aerodrome operators and in accordance with other law.</p>
response	<p><i>Partially accepted</i></p>

Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.

With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).

comment 413 comment by: *Edinburgh Airport*

ADR.OR.D.020 (a) - Delete

Justificaion - This is not necessary to be stated and is also inappropriate as an IR.

response *Partially accepted*

Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.

comment 414 comment by: *Edinburgh Airport*

ADR.OR.D.020 (b) (1) - Delete

Justification - This is not a responsibility of the aerodrome operator. Storage and handling of dangerous goods are the responsibility of the freight operators, airlines and handling agents.

response *Partially accepted*

With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).

comment 415 comment by: *Edinburgh Airport*

ADR.OR.D.020 (b) (2) - Amed to read "for the oversight of storage and .."

Justification - A high level oversight role is appropriate for the aerodrome operator.

response *Partially accepted*

The Agency has removed paragraph (b)(2).

comment 662 comment by: *Exeter International Airport*

ADR.OR.D.020 (a) : Delete. This is not necessary to be stated and is also inappropriate as an IR.

response *Partially accepted*

Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.

comment 663 comment by: *Exeter International Airport*

	ADR.OR.D.020(b)(1) : Delete. This is not a responsibility of the aerodrome operator. Storage and handling of Dangerous Goods are the responsibility of the freight operators and the airlines and handling agents.					
response	<i>Partially accepted</i>					
	With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).					
comment	673	comment by: <i>Belfast International Airport - BFS/EGAA</i>				
	(b)(1) This is not a responsibility of the aerodrome operator. Storage and handling of Dangerous Goods are the responsibility of the freight operators and the airlines and handling agents.					
response	<i>Partially accepted</i>					
	With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).					
comment	675	comment by: <i>Belfast International Airport - BFS/EGAA</i>				
	(b)(2) Amend to read "for the oversight of storage and...."					
response	<i>Partially accepted</i>					
	The Agency has removed paragraph (b)(2).					
comment	867	comment by: <i>Union des Aéroports français - UAF</i>				
	Attachment #230					
	UAF	NPA	2011-20	(B.I)	ADR.OR.D.020	(b)
	Référéce: ADR.OR.D.020 (b) "The aerodrome operator shall ensure, as applicable, that adequate and appropriate facilities, installations and equipment exist at the aerodrome".					
	Traduction de courtoisie The UAF asks the EASA: who decides whether the facilities and equipment of the aerodrome are applicable and appropriate and according to what criteria?					
response	<i>Partially accepted</i>					
	The relevant text has been amended to remove ambiguity with regard to the applicability of the requirements, while paragraph (b)(2) has been removed.					
comment	1016	comment by: <i>Avinor</i>				
	ADR.OR.D.020(b)(1). Delete. This is not the responsibility of the aerodrome operator. Storage and handling of DG are the responsibility of the freight operators, the airlines and handling agents.					

response	<i>Partially accepted</i>	
	With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).	
comment	1017	comment by: <i>Avinor</i>
	ADR.OR.D.020(b)(2). Amend to read "for the oversight of storage and ...". A high level oversight role is appropriate for the aerodrome operator.	
response	<i>Partially accepted</i>	
	The Agency has removed paragraph (b)(2).	
comment	1043	comment by: <i>Dublin Airport Authority</i>
	Ref (a) (b)	
	It is not necessary to state that office accommodation / working space should be provided within the Implementing Rules.	
	With regard to dangerous goods, this is not a responsibility of the aerodrome operator. Storage and handling of dangerous goods are the responsibility of the freight operators, the airlines and the handling agents.	
	The provision of on site storage for aviation fuel is also not an aerodrome operator responsibility as this can be easily accomplished off site at a location not contiguous to the aerodrome. The commercial relationship is also generally not owned by the aerodrome operator and therefore, it should be the role of the competent authority to ensure that fuel quality and integrity of the arrangements to deliver fuel to air carriers are adequate.	
response	<i>Partially accepted</i>	
	Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.	
	With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774), while paragraph (b) (2) has been removed.	
comment	1096	comment by: <i>Bristol Airport - BRS/EGGD</i>
	ADR.OR.D.020 (a)	Delete This is not necessary to be stated and is also inappropriate as an IR.
response	<i>Noted</i>	
	Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.	

comment	1097	comment by: <i>Bristol Airport - BRS/EGGD</i>	
	ADR.OR.D.020(b)(1)	Delete	This is not a responsibility of the aerodrome operator. Storage and handling of Dangerous Goods are the responsibility of the freight operators and the airlines and handling agents.

response	<i>Partially accepted</i>		
	With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).		

comment	1098	comment by: <i>Bristol Airport - BRS/EGGD</i>	
	ADR.OR.D.020(b)(2)	Amend to read "for the oversight of storage and ..."	A high level oversight role is appropriate for the aerodrome operator.

response	<i>Partially accepted</i>		
	The Agency has removed paragraph (b)(2).		

comment	1149 ❖	comment by: <i>DGAC Direction Générale de l'aviation civile</i>	
	<u>1. Affected paragraphs</u>		
	<ul style="list-style-type: none"> • Cover regulation – Article 2 – Definitions (p9-10) • ANNEX II - Part-OR - ADR.OR.D.020 — Facilities requirements (p52-53) 		
	<u>2. Justification and Proposed text / comment</u>		
	The ICAO Doc 9284, Technical Instructions for the Safe Transport of Dangerous Goods by Air is a manual which is linked to ICAO Annex 18 on "The Safe Transport of Dangerous Goods by Air".		
	In the Foreword of this manual, the following is written: "RELATIONSHIP TO ANNEX 18 TO THE CHICAGO CONVENTION - The broad principles governing the international transport of dangerous goods by air are contained in Annex 18 to the Convention on International Civil Aviation — The Safe Transport of Dangerous Goods by Air. These Technical Instructions amplify the basic provisions of Annex 18 and contain all the detailed instructions necessary for the safe international transport of dangerous goods by air."		
	As indicated in the name of Annex 18 and in the foreword quoted above, the specifications in this Technical Instruction apply to airlines, and to ground handlers for their training to deal with dangerous goods. This is not linked to aerodrome matters, nor to aerodrome operator responsibilities.		
	Moreover, in the Cover Regulation and in its Annexes (IR), the specifications coming from ICAO should be transposed, and not referred		

to.

Consequently, it is proposed to delete the reference to this instruction, which is not relevant for aerodromes and aerodromes operators, but to airlines and their subcontractors (ground handlers).

Cover Regulation

"Article 2 – Definitions

~~[...] "Technical instructions" means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air, including the Supplement and any Addenda, approved and published by the International Civil Aviation Organisation."~~

ADR.OR.D.020 – Facilities requirements

" [...] (b) The aerodrome operator shall ensure, as applicable, that adequate and appropriate facilities, installations and equipment exist at the aerodrome:

~~(1) for the safe storage and handling of dangerous goods, in accordance with the Technical Instructions, transported through the aerodrome; [...]"~~

response *Noted*

The reference to ICAO "Technical Instructions" is made for practical reasons due to the size and type of information contained therein. The proposed rules are in line with the content of ICAO aerodrome certification manual (Doc 9774).

comment

1158

comment by: ADP : Aeroports de Paris

Référence: ADR.OR.D.020 (b)

"The aerodrome operator shall ensure, as applicable, that adequate and appropriate facilities, installations and equipment exist at the aerodrome".

Proposition/commentaire

Qui décide si les installations et équipements de l'aérodrome sont applicables et adéquats et selon quels critères?

Justification

Traduction de courtoisie

Who decides whether the facilities and equipment of the aerodrome are applicable and appropriate and according to what criteria?

response *Partially accepted*

The relevant text has been amended to remove ambiguity with regard to the applicability of the requirements, while paragraph (b)(2) has been removed.

comment	<p>1279 comment by: <i>Blackpool Airport - BLK/EGNH</i></p> <p>ADR.OR.D.020 (a) : Delete. This is not necessary to be stated and is also inappropriate as an IR.</p>
response	<p><i>Noted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p>
comment	<p>1361 comment by: <i>Gatwick Airport Ltd</i></p> <p>(a)</p> <p>Delete</p> <p>Justification</p> <p>This is not necessary to be stated and is also inappropriate as an IR.</p> <p>(b)(1)</p> <p>Delete</p> <p>Justification</p> <p>This is not a responsibility of the aerodrome operator. Storage and handling of Dangerous Goods are the responsibility of the freight operators and the airlines and handling agents.</p> <p>(b)(2)</p> <p>Amend to read "aerodrome operator shall be responsible for the oversight of storage and handling of aviation fuel"</p> <p>Justification</p> <p>A high level oversight role is appropriate for the aerodrome operator.</p>
response	<p><i>Partially accepted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774), while paragraph (b) (2) has been removed.</p>
comment	<p>1596 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #231</p>

	<p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.D.020 (b)</p> <p>Référence: ADR.OR.D.020 (b) "The aerodrome operator shall ensure, as applicable, that adequate and appropriate facilities, installations and equipment exist at the aerodrome".</p> <p>Traduction de courtoisie The UAF asks the EASA: who decides whether the facilities and equipment of the aerodrome are applicable and appropriate and according to what criteria?</p>
response	<p><i>Partially accepted</i></p> <p>The relevant text has been amended to remove ambiguity with regard to the applicability of the requirements, while paragraph (b)(2) has been removed.</p>
comment	<p>1618 comment by: <i>Zürich Airport</i></p> <p>Delete (a) - the facility requirements are out of scope in the context of aerodrome safety. Furthermore it's inadequate as an IR.</p>
response	<p><i>Noted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p>
comment	<p>1921 comment by: <i>Stansted Airport</i></p> <p>ADR.OR.D.020 (a)</p> <p>Delete</p> <p>This is not necessary to be stated and is also inappropriate as an IR</p>
response	<p><i>Noted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p>
comment	<p>1923 comment by: <i>Stansted Airport</i></p> <p>ADR.OR.D.020(b)(1)</p> <p>Delete</p> <p>This is not a responsibility of the aerodrome operator. Storage and handling of DG are the responsibility of the freight operators and the airlines and handling agents.</p>
response	<p><i>Partially accepted</i></p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).</p>

comment	<p>1924 comment by: <i>Stansted Airport</i></p> <p>ADR.OR.D.020(b)(2)</p> <p>Amend to read "for the oversight of storage and ..."</p> <p>A high level oversight role is appropriate for the aerodrome operator.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has removed paragraph (b)(2).</p>
comment	<p>1974 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>who decides whether the facilities and equipment of the aerodrome are applicable and appropriate and according to what criteria?</p>
response	<p><i>Partially accepted</i></p> <p>The relevant text has been amended to remove ambiguity with regard to the applicability of the requirements, while paragraph (b)(2) has been removed.</p>
comment	<p>1975 comment by: <i>London Luton Airport Operations Ltd</i></p> <p>At (a) Uncertain why this is included in the aerodrome safety oversight. This should be removed.</p> <p>At (b) (10 - the handling company is responsible for this, oversight can be maintained by an aerodrome operator within its management system Specifically at (b) (2) the reference to fuel is a specialist activity and the oversight of such issues on the aerodrome will be the concern of the aerodrome authority.</p>
response	<p><i>Partially accepted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774), while paragraph (b) (2) has been removed.</p>
comment	<p>2047 comment by: <i>Airport Operators Association</i></p> <p>ADR.OR.D.020 (a) Delete Justification - This is not necessary to be stated and is also not appropriate as an IR.</p> <p>ADR.OR.D.020(b)(1) Delete Justification - This is not a responsibility of the aerodrome operator. Storage and handling of Dangerous Goods is the responsibility of the freight operators and the airlines and handling agents.</p>

	<p>ADR.OR.D.020(b)(2) This should be amended to read “for the oversight of storage and ...” Justification - A high level oversight role is appropriate for the aerodrome operator.</p>
response	<p><i>Partially accepted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774), while paragraph (b) (2) has been removed.</p>
comment	<p>2168 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #232</p> <p>UAF NPA 2011-20 (B.I) ADR.OR.D.020 (b)</p> <p>Référence: ADR.OR.D.020 (b) “The aerodrome operator shall ensure, as applicable, that adequate and appropriate facilities, installations and equipment exist at the aerodrome”.</p> <p>Traduction de courtoisie The UAF asks the EASA: who decides whether the facilities and equipment of the aerodrome are applicable and appropriate and according to what criteria?</p>
response	<p><i>Partially accepted</i></p> <p>The relevant text has been amended to remove ambiguity with regard to the applicability of the requirements, while paragraph (b)(2) has been removed.</p>
comment	<p>2223 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #233</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OR.D.020 (b)</p> <p>Référence: ADR.OR.D.020 (b) “The aerodrome operator shall ensure, as applicable, that adequate and appropriate facilities, installations and equipment exist at the aerodrome”.</p> <p>Traduction de courtoisie The ADBM asks the EASA: who decides whether the facilities and equipment of the aerodrome are applicable and appropriate and according to what criteria?</p>
response	<p><i>Partially accepted</i></p> <p>The relevant text has been amended to remove ambiguity with regard to the applicability of the requirements, while paragraph (b)(2) has been</p>

removed.

comment 2246 comment by: *Birmingham Airport - BHX/EGBB*
ADR.OR.D.020 (a) This is not required and inappropriate as an IR - suggest deletion.

response *Noted*
Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.

comment 2247 comment by: *Birmingham Airport - BHX/EGBB*
(b) (1) Delete - this is not the responsibility of an Aerodrome Operator, some Airports choose not to handle such hazardous freight and at those that do it is the responsibility of the airline, handling agent, and freight operator.

response *Partially accepted*
With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).

comment 2334 comment by: *Pau Pyrénées Airport - PUF/LFBP*
Pau Pyrenees airport asks the EASA: who decides whether the facilities and equipment of the aerodrome are applicable and appropriate and according to what criteria?

response *Partially accepted*
The relevant text has been amended to remove ambiguity with regard to the applicability of the requirements, while paragraph (b)(2) has been removed.

comment 2427 comment by: *Dublin Airport Authority*
It is not necessary to state that office accommodation / working space should be provided within the Implementing Rules.

With regard to dangerous goods, this is not a responsibility of the aerodrome operator. Storage and handling of dangerous goods are the responsibility of the freight operators, the airlines and the handling agents.

The provision of on site storage for aviation fuel is also not an aerodrome operator responsibility as this can be easily accomplished off site at a location not contiguous to the aerodrome. The commercial relationship is also generally not owned by the aerodrome operator and therefore, it should be the role of the competent authority to ensure that fuel quality and integrity of the arrangements to deliver fuel to air carriers are adequate.

response	<p><i>Partially accepted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774), while paragraph (b) (2) has been removed.</p>
comment	<p>2457 comment by: <i>Aéroports De Lyon</i></p> <p>"adequate and appropriate facilities, installations and equipment" Sur quels critères?</p> <p><u>Proposition</u>: à préciser ou à mettre en GM</p>
response	<p><i>Partially accepted</i></p> <p>The relevant text has been amended to remove ambiguity with regard to the applicability of the requirements, while paragraph (b)(2) has been removed.</p>
comment	<p>2537 comment by: <i>Shannon Airport</i></p> <p>(a) It is not necessary to state that office accommodation / working space should be provided within the Implementing Rules.</p> <p>(B) 1 Dangerous goods are not the responsibility of the aerodrome operator. Storage and handling of dangerous goods are the responsibility of the freight operators, the airlines and the handling agents.</p>
response	<p><i>Partially accepted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).</p>
comment	<p>2538 comment by: <i>Shannon Airport</i></p> <p>(b) 2 The provision of on site storage for aviation fuel is not an aerodrome operator responsibility</p>
response	<p><i>Accepted</i></p> <p>The Agency has removed paragraph (b)(2).</p>
comment	<p>2631 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 53</p>

	<p>Paragraph No: ADR.OR.D.020 (a)</p> <p>Comment This is not necessary to be stated and is also inappropriate as an IR.</p>
response	<p><i>Noted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p>
comment	<p>2632 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 53</p> <p>Paragraph No: ADR.OR.D.020 (b)(1)</p> <p>Comment This is not a responsibility of the aerodrome operator. Storage and handling of Dangerous Goods are the responsibility of the freight operators and the airlines and handling agents. The Aerodrome Operator should hold a level of oversight responsibility but the terminology used here eg. "ensure" implies a much greater level of responsibility on the Aerodrome Operator than is appropriate</p>
response	<p><i>Partially accepted</i></p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).</p>
comment	<p>2633 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 53</p> <p>Paragraph No: ADR.OR.D.020 (b)(2)</p> <p>Comment This is not a responsibility of the aerodrome operator. Storage and handling of aviation fuel are the responsibility of the fuelling providers. The Aerodrome Operator should hold a level of oversight responsibility but the terminology used here eg. "ensure" implies a much greater level of responsibility on the Aerodrome Operator than is appropriate</p>
response	<p><i>Accepted</i></p> <p>The Agency has removed paragraph (b)(2).</p>
comment	<p>2676 comment by: <i>HIA - Highlands and Islands Airports Limited</i></p> <p>D.020 (b)(1) - Storage and Handling of dangerous goods is the responsibility of the freight operators, airlines and handling agents not the aerodrome operator. Replace with <i>Aerodrome operator should have oversight of...</i></p>
response	<p><i>Partially accepted</i></p>

With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).

comment 2719 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.D.020 (a)	Delete	This is not necessary to be stated and is also inappropriate as an IR.
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response *Noted*

Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.

comment 2720 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.D.020(b)(1)	Delete	This is not a responsibility of the aerodrome operator. Storage and handling of Dangerous Goods are the responsibility of the freight operators and the airlines and handling agents.
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response *Partially accepted*

With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).

comment 2726 comment by: *AENA - Aeropuertos Españoles y Navegación Aérea*

The ICAO Doc 9284, Technical Instructions for the Safe Transport of Dangerous Goods by Air is a manual which is linked to ICAO Annex 18 on "The Safe Transport of Dangerous Goods by Air".

In the Foreword of this manual, the following is written:

"RELATIONSHIP TO ANNEX 18 TO THE CHICAGO CONVENTION - The broad principles governing the international transport of dangerous goods by air are contained in Annex 18 to the Convention on International Civil Aviation — The Safe Transport of Dangerous Goods by Air. These Technical Instructions amplify the basic provisions of Annex 18 and contain all the detailed instructions necessary for the safe international transport of dangerous goods by air."

As indicated in the name of Annex 18 and in the foreword quoted above, the specifications in this Technical Instruction apply to airlines, and to ground handlers for their training to deal with dangerous goods. This is not linked to aerodrome matters, nor to aerodrome operator responsibilities.

Moreover, in the Cover Regulation and in its Annexes (IR), the specifications coming from ICAO should be transposed, and not referred to.

Consequently, it is proposed to delete the reference to this instruction,

which is not relevant for aerodromes and aerodromes operators, but to airlines and their subcontractors (ground handlers).

Cover Regulation

"Article 2 – Definitions

~~[...] "Technical instructions" means the latest effective edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air, including the Supplement and any Addenda, approved and published by the International Civil Aviation Organisation."~~

ADR.OR.D.020 – Facilities requirements

" [...] (b) The aerodrome operator shall ensure, as applicable, that adequate and appropriate facilities, installations and equipment exist at the aerodrome:

~~(1) for the safe storage and handling of dangerous goods, in accordance with the Technical Instructions, transported through the aerodrome; [...]"~~

response

Noted

The reference to ICAO "Technical Instructions" is made for practical reasons due to the size and type of information contained therein. The proposed rules are in line with the content of ICAO aerodrome certification manual (Doc 9774).

comment

2746

comment by: *Aberdeen Airport Airside Operations*

(a) Delete

This is not necessary to be stated and is also inappropriate as an IR

(b) (1) Delete

This is not the responsibility of the aerodrome operator. Storage and Handling of DG are the responsibility of the freight operators and the airlines and the handling agents

(b) (2) Amend to read "for the oversight of storage and..."

A high level oversight role is appropriate for the aerodrome operator

response

Partially accepted

Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.

With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774), while paragraph (b) (2) has been removed.

comment

2765

comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OR.D.020(b)(2)	Amend to read "for the oversight of	A high level oversight role is appropriate for the
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		storage and ..."	aerodrome operator.
response	<p><i>Partially accepted</i></p> <p>The Agency has removed paragraph (b)(2).</p>		
comment	2813	comment by: <i>Billund Airport - BLL/EKBI</i>	
	<p><i>Page 53 – ADR.OR.D020 - Facilities requirements, pkt. (b) (2):</i></p> <p>Is it the <i>aerodrome operator's</i> responsibility to ensure that adequate and appropriate facilities, installations and equipment exist at the aerodrome? And the aerodrome operator responsibility that there's appropriate storage and handling facilities for aviation fuel?</p>		
response	<p><i>Partially accepted</i></p> <p>The Agency has removed paragraph (b)(2).</p>		
comment	2883	comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i>	
	<p>ADR.OR.D.020(b)(1). Delete. This is not the responsibility of the aerodrome operator. Storage and handling of DG are the responsibility of the freight operators, the airlines and handling agents.</p> <p>ADR.OR.D.020(b)(2). Amend to read "for the oversight of storage and ...". A high level oversight role is appropriate for the aerodrome operator.</p>		
response	<p><i>Partially accepted</i></p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774), while paragraph (b) (2) has been removed.</p>		
comment	2945	comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>	
	Référence: ADR.OR.D.020 (b)	"The aerodrome operator shall ensure, as applicable, that adequate and appropriate facilities, installations and equipment exist at the aerodrome".	
	Proposition/commentaire	ACA pose la question à l'AESA pour savoir qui décide si les installations et équipements de l'aérodrome sont applicables et adéquats et selon quels critères?	
	Justification		
	Traduction de courtoisie	ACA asks EASA : who decides whether the facilities and equipment of the aerodrome are applicable and appropriate and according to what criteria?	

response	<i>Partially accepted</i> The Agency has removed paragraph (b)(2).	
comment	2958	comment by: <i>East Midlands Airport - EMA/EGNX</i>
	(a) Delete Justification: Statement not necessary and inappropriate as an IR.	
response	<i>Noted</i> Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.	
comment	2959	comment by: <i>East Midlands Airport - EMA/EGNX</i>
	(b)(1) Delete Justification: This is not a responsibility of the aerodrome operator. Storage and handling of Dangerous Goods are the responsibility of the freight operators, airlines and handling agents.	
response	<i>Partially accepted</i> With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).	
comment	2960	comment by: <i>East Midlands Airport - EMA/EGNX</i>
	(b)(2) Amend to read "for the oversight of storage and ..." Justification: A high level oversight role is appropriate for the aerodrome operator.	
response	<i>Partially accepted</i> The Agency has removed paragraph (b)(2).	
comment	3007	comment by: <i>Roskilde Airport</i>
	Roskilde Airport (EKRK): Suggest rephrasing to "The aerodrome operator shall ensure, as applicable, that procedures are in place so adequate and appropriate facilities exist at the aerodrome: (2) for the storage and handling of aviation fuel. Justification: The aerodrome operator (or his representative) should audit the fuel operator, not be directly responsible for the condition/adequacy of the fuel operators facility/installation. The rephrasing will also align this section to the wording of ADR-OPS.B.55 + its AMC	
response	<i>Partially accepted</i> The Agency has removed paragraph (b)(2).	

comment	<p>3026 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.D.020 (a)</p> <p>Delete</p> <p>This is not necessary to be stated and is also inappropriate as an IR.</p>
response	<p><i>Noted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p>
comment	<p>3028 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.D.020(b)(1)</p> <p>Delete.</p> <p>This is not a responsibility of the aerodrome operator. Storage and handling of Dangerous Goods are the responsibility of the freight operators and the airlines and handling agents.</p>
response	<p><i>Partially accepted</i></p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).</p>
comment	<p>3029 comment by: <i>Norwich International Airport</i></p> <p>ADR.OR.D.020(b)(2)</p> <p>Amend to read "for the oversight of storage and ..."</p> <p>A high level oversight role is appropriate for the aerodrome operator.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has removed paragraph (b)(2).</p>
comment	<p>3159 comment by: <i>Isavia</i></p> <p>ADR.OR.D.020(b)(1). Delete. This is not the responsibility of the aerodrome operator. Storage and handling of DG are the responsibility of the freight operators, the airlines and handling agents.</p>
response	<p><i>Partially accepted</i></p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).</p>
comment	<p>3160 comment by: <i>Isavia</i></p> <p>ADR.OR.D.020(b)(2). Amend to read "for the oversight of storage and ...".</p>

response	<p>A high level oversight role is appropriate for the aerodrome operator.</p> <p><i>Partially accepted</i></p> <p>The Agency has removed paragraph (b)(2).</p>
comment	<p>3183 comment by: <i>DAA Cork Airport</i></p> <p>It is not necessary to state that office accommodation / working space should be provided within the Implementing Rules.</p> <p>With regard to dangerous goods, this is not a responsibility of the aerodrome operator. Storage and handling of dangerous goods are the responsibility of the freight operators, the airlines and the handling agents.</p> <p>The provision of on site storage for aviation fuel is also not an aerodrome operator responsibility as this can be easily accomplished off site at a location not contiguous to the aerodrome. The commercial relationship is also generally not owned by the aerodrome operator and therefore, it should be the role of the competent authority to ensure that fuel quality and integrity of the arrangements to deliver fuel to air carriers are adequate.</p>
response	<p><i>Partially accepted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774), while paragraph (b) (2) has been removed.</p>
comment	<p>3276 comment by: <i>London Biggin Hill Airport</i></p> <p>ADR.OR.D.020</p> <p>(a) Delete - it not necessary to state this and it is inappropriataite as an IR</p> <p>(b)(1) Delete - This is not a responsibility of the aerodrome operator. Storage and handling of Dangerous Goods are the responsibility of the freight operators and the airlines and handling agents.</p> <p>(b)(2) Amend to read "for the oversight of storage and handling of aviation fuel" A high level oversight role is appropraite for the aerodrome operator.</p>
response	<p><i>Partially accepted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774), while paragraph (b) (2) has been removed.</p>

comment	<p>3315 comment by: <i>Southampton Airport</i></p> <p>Under (b) 1 - storage of dangerous goods responsibility of freight operators, handling agents and airlines not aerodromes</p>
response	<p><i>Partially accepted</i></p> <p>With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774).</p>
comment	<p>3483 ❖ comment by: <i>Fraport AG</i></p> <p>Annex II - Part- OR Subpart D</p> <p>General</p> <p>Fraport in general supports the reinforcement of SMS. Never the less a few comments will be made.</p>
response	<p><i>Noted</i></p>
comment	<p>3490 comment by: <i>Fraport AG</i></p> <p>ADR.OR.D.020 - Facilities requirements (a)</p> <p>Editorial</p> <p>The aerodrome operator shall ensure that adequate and appropriate facilities, including office accommodation and working space, are available to its personnel or personnel employed by parties with whom it has contracted for the provision of aerodrome operational and maintenance services, to allow the performance and management of all tasks and activities, in accordance with the applicable requirements.</p> <p>DELETE or move to GM</p> <p>Fraport AG: This is inappropriate as an IR.</p>
response	<p><i>Noted</i></p> <p>Similar requirements exist for competent authorities and operators in other aviation areas. In any case, the Agency has amended and simplified the relevant text and provided relevant guidance material.</p>
comment	<p>3491 comment by: <i>Fraport AG</i></p> <p>ADR.OR.D.020 - Facilities requirements (b)</p> <p>Editorial</p> <p>The aerodrome operator shall ensure, as applicable, that adequate and appropriate facilities, installations and equipment exist at the aerodrome: (1) for the safe storage and handling of ,dangerous goods, in</p>

accordance with the Technical Instructions, transported through the aerodrome;
 (2) **for the storage** and handling of aviation fuel.

Proposed Text

The aerodrome operator shall ensure, as applicable, that adequate and appropriate facilities, installations and equipment exist at the aerodrome:
 (1) **for the oversight safe storage** and handling of dangerous goods, in accordance with the Technical Instructions, transported through the aerodrome;
 (2) **for the oversight of storage** and handling of aviation fuel.

Fraport

AG:

Because the related processes and infrastructure are in major cases by third parties, the aerodrome operator has an oversight function on these topics; even he has it in his own operation.

response *Partially accepted*

With regard to paragraph (b) (1), the Agency has amended the relevant text to remove ambiguity about the intent of the requirement, in line with the ICAO aerodrome certification manual (Doc 9774), while paragraph (b) (2) has been removed.

ANNEX II - Part-OR - ADR.OR.D.025 – Coordination with other relevant organisations

p. 53

comment

59

comment by: *Amsterdam Airport Schiphol - AMS/EHAM (and D.A.A)*

To rewrite completely by:

Organisations operating or providing services at the aerodrome shall comply with rules and regulations set by the aerodrome operator in implementation of the responsibilities mentioned in paragraph (a) and (b).

response

Partially accepted

These draft implementing rules are based on the relevant legal basis contained in article 8a of the Basic Regulation. This legal basis is confined to the issuance of implementing rules which are addressed to the relevant certificate holders mentioned in article 8a, that is the aerodrome operators.

It is the aerodrome operator's responsibility to ensure that organisations operating or providing services at the aerodrome have safety procedures in place in order to comply with the applicable requirements of this Regulation. Moreover, the Agency has removed paragraph (c) of the relevant requirement.

comment

129

comment by: *Flughafen Düsseldorf GmbH*

(a) The aerodrome operator shall:

(1) (1) ensure that the safety management system of the aerodrome explicitly addresses the coordination and interface with the safety procedures of other organisations operating or providing services at the aerodrome;

(2) (2) ensure that such organisations have adequate safety procedures in place to comply with the requirements laid down in the aerodrome manual;

[g2]

[g2]Warum werden diese Pflichten nicht direkt an das am Flughafen tätige Unternehmen adressiert?

response *Noted*

These draft implementing rules are based on the relevant legal basis contained in article 8a of the Basic Regulation. This legal basis is confined to the issuance of implementing rules which are addressed to the relevant certificate holders mentioned in article 8a, that is the aerodrome operators.

comment

628

comment by: *Flughafen Düsseldorf GmbH*

Generell: Reicht hier die Verpflichtung Dritter zur Mitwirkung beim SMS über die FBO (Flughafenbenutzungsordnung) aus? Dies wäre wünschenswert!

a) 2) Wie soll das geprüft werden? Muss eine schriftliche Bestätigung der Dritten eingeholt werden und reicht diese dann aus? Direkte Einflussnahme kaum möglich!

response *Noted*

This requirement intends to ensure that activities of third parties are coordinated with and in accordance with the applicable aerodrome requirements and the content of the aerodrome manual. The aerodrome operator should ensure this through a safety assurance programme. Moreover, the aerodrome operator should promote safety via safety programmes that are established and implemented at the aerodrome. Examples of such safety initiatives relate to the prevention of runway incursion, the establishment of local runway safety teams etc. Finally, the Agency has removed paragraph (c) of the relevant requirement.

comment

698

comment by: *Zürich Airport*

change from;

(a) The aerodrome operator shall:

(1) ensure that the safety management system of the aerodrome explicitly addresses the coordination and interface with the safety procedures of other organisations operating or providing services at the aerodrome;

(2) ensure that such organisations have adequate safety procedures in place

to comply with the requirements laid down in the aerodrome manual;

(3) coordinate and document arrangements and responsibilities of other organisations operating or providing services at the aerodrome.

(b) The aerodrome operator shall:

(1) develop, lead and implement programmes to promote safety and the exchange of safety-relevant information; and
 (2) ensure that organisations mentioned in paragraph (a) are involved in such programmes.
 (c) The aerodrome operator shall establish and implement a programme to ensure that the organisations mentioned in paragraph (a) comply with the applicable regulatory requirements and the content of the aerodrome manual.

to;

(a) The aerodrome operator shall:

(1) ensure that the safety management system of the aerodrome explicitly addresses the coordination and interface with the safety procedures of other organisations operating or providing services at the aerodrome;
 (2) ensure that such organisations have adequate safety procedures in place

to comply with the requirements;

(3) coordinate and document arrangements and responsibilities of other organisations operating or providing services at the aerodrome.

(b) The aerodrome operator shall:

(1) develop programmes to promote safety and the exchange of safety-relevant information; and
 (2) ensure that organisations mentioned in paragraph (a) are involved in such programmes.

(c) The aerodrome operator shall establish and implement a programme to ensure that the organisations mentioned in paragraph (a) comply with the applicable regulatory requirements.

response *Partially accepted*

The Agency has amended paragraph (a), while paragraph (c) has been removed.

comment 872 comment by: *Union des Aéroports français - UAF*

Attachment [#234](#)

UAF NPA 2011-20 (B.I) ADR.OR.D.025 (a)(2)

Référence: ADR.OR.D.025 (a) (2)

« Ensure that such organisations have adequate safety procedures in place to comply with the requirements laid down in the aerodrome manual. »

Traduction de courtoisie

Should be amended as follows: « ~~Ensure~~ **Check** that such organisations have adequate safety procedures in place to comply with the requirements laid down in the aerodrome manual. »

It seems impossible for the aerodrome operator to ensure permanently that all organizations operating or providing services in the airport has safety procedures in accordance with rules established by the aerodrome manual. However the aerodrome operator can verify that such procedures exist. Thus, the term "check" is more appropriate.

response *Partially accepted*

The term "ensure" is already used in the essential requirement contained in Annex Va to the Basic Regulation. Paragraph (a) has been amended, while the Agency has removed paragraph (c) of the relevant requirement.

comment	<p>943 comment by: <i>DSNA Direction des Services de la Navigation Aérienne</i></p> <p>In ADR.OR.D.025 (c), it is stated that during the certification process, the aerodrome operator has to ensure that its management system fulfills the requirements from EASA. But in addition, to be certified, it has to ensure that the other service providers on the aerodrome also have a reliable management system, so they should audit the other service providers' management system on the aerodrome.</p> <p>DSNA is certified by a National Surveillance Authority, and thus its management system, <u>on a national basis</u>. It is not DSNA on the local scale which is certified.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has amended paragraph (a), while paragraph (c) has been removed.</p>
comment	<p>1044 comment by: <i>Dublin Airport Authority</i></p> <p>DAA reiterates that Guidance Material should accompany the implementation of the Certification process clarifying the extent to which the aerodrome operator is expected to police other organisations operating at the aerodrome and to what extent the aerodrome operator must document those organisations procedures.</p> <p>Competent authorities across Europe, particularly where aerodrome operators are subject to economic regulation and have a number of different regulators responsible for separate remits, must ensure that the resources i.e. appropriate and adequate funding to develop, maintain and carry out the range of activities identified within the NPA are provided for.</p> <p>The final point (c), again poses a particular difficulty in Ireland as the legislative and approval powers do not rest with the aerodrome operator and are the responsibility of the Commission for Aviation Regulation</p>
response	<p><i>Partially accepted</i></p> <p>The role of the competent authority is to ensure that aerodrome operators comply continuously with the applicable requirements. The obligation of the aerodrome operator is not to "police" other organisations but to ensure that the third parties have safety procedures to comply with the applicable requirements of this Regulation</p> <p>To this end, the Agency has amended paragraph (a), while paragraph (c) has been removed.</p>
comment	<p>1160 comment by: <i>ADP : Aeroports de Paris</i></p> <p>Référence: ADR.OR.D.025 (a) (2)</p>

« Ensure that such organisations have adequate safety procedures in place to comply with the requirements laid down in the aerodrome manual. »

Proposition/commentaire

Il convient de modifier de la manière suivante: « **Ensure check** that such organisations have adequate safety procedures in place to comply with the requirements laid down in the aerodrome manual. »

Justification

Il semble impossible pour l'exploitant d'aérodrome de s'assurer en permanence que l'ensemble des organisations opérant ou fournissant des services dans l'aérodrome dispose de procédures de sécurité conformément aux règles fixées par le manuel d'aérodrome. En revanche l'exploitant d'aérodrome peut vérifier que de telles procédures existent. Ainsi, le terme « vérifier » est plus approprié.

Traduction de courtoisie

Should be amended as follows: « **Ensure check** that such organisations have adequate safety procedures in place to comply with the requirements laid down in the aerodrome manual. »

It seems impossible for the aerodrome operator to ensure permanently that all organizations operating or providing services in the airport has safety procedures in accordance with rules established by the aerodrome manual. However the aerodrome operator can verify that such procedures exist. Thus, the term "check" is more appropriate.

response *Partially accepted*

The term "ensure" is already used in the essential requirement contained in Annex Va to the Basic Regulation. Paragraph (a) has been amended , while the Agency has removed paragraph (c) of the relevant requirement.

comment

1166

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX II - Part-OR - ADR.OR.D.025 — Coordination with other relevant organizations (p53)
- AMC/GM to ANNEX II - Part-OR - AMC3-ADR.OR.D.025(c) — Coordination with other relevant organisations (p104)

2. Justification and Proposed text / comment

This comment is linked with comment 897 in book II.

Paragraph (a)(2) and paragraph (c) of this provision give too much responsibilities to the aerodrome operator although he has no legal power on some organisations working at the aerodrome.

The aerodrome operator can verify something exists within the organisation which is independent from him, but not "ensure" they exist, and absolutely not control the adequacy of such procedures with the content of the aerodrome manual.

Moreover, concerning paragraph (c), even big organizations, such as CDG airport, don't have the resources to conduct audits and inspections on the hundred of airlines and ground handlers that work on the aerodrome: conduct such audits and inspections should remain a possibility left to the aerodrome operator and should not be mandatory, let alone through a "programme" which would imply to make such audits and inspections on a regular basis.

Therefore, DGAC thinks it's essential to delete paragraph (c) and the corresponding AMC:

ADR.OR.D.025 – Coordination with other relevant organisations

"(a) The aerodrome operator shall:

(1) ensure that the safety management system of the aerodrome explicitly addresses the coordination and interface with the safety procedures of other organisations operating or providing services at the aerodrome;

(2) ~~ensure~~ verify that such organisations ~~ensure they~~ have adequate safety procedures in place to comply with the ~~requirements~~ provisions laid down in the aerodrome manual;

(3) coordinate and document arrangements and ~~responsibilities~~ tasks of other organisations operating or providing services at the aerodrome.

(b) The aerodrome operator shall:

(1) develop, lead and implement programmes to promote safety and the exchange of safety-relevant information; and

(2) ensure that organisations mentioned in paragraph (a) are involved in such programmes.

~~(c) The aerodrome operator shall establish and implement a programme to ensure that the organisations mentioned in paragraph (a) comply with the applicable regulatory requirements and the content of the aerodrome manual."~~

~~AMC3-ADR.OR.D.025(c) – Coordination with other relevant organisations~~

~~"COMPLIANCE OF OTHER ORGANISATIONS~~

~~In order to ensure compliance of the organisations operating or providing services at the aerodrome, with the regulatory requirements and with the content of aerodrome manual, the aerodrome operator should conduct audits and inspections of such organisations, through its compliance monitoring function (see AMC3-ADR.OR.D.005 (d))."~~

response *Partially accepted*

The text is based on the provisions of the aerodrome certification manual (ICAO Doc 9774) and the essential requirements of Annex Va of the Basic Regulation. The responsibilities foreseen in the requirements are part of the aerodrome operator's safety management system processes which is a prerequisite for issuing and maintaining a certificate. In any case, the Agency has amended paragraph (a), while paragraph (c) has been removed.

comment 1216

comment by: MST / STR - Stuttgart Airport

- Letztlich handelt es sich auch hier um neue Vorschriften, für die allenfalls teilweise eine entsprechende ICAO-Referenz besteht. Dem Flughafenbetreiber werden hier umfassende zusätzliche Pflichten auferlegt.
- Neben dem - bereits mehrfach an anderer Stelle angesprochenen - enormen zusätzlichen Ressourcenbedarf ist die Formulierung "**ensure**" sehr problematisch.
- Es bleibt nämlich unklar, wie weit die Verantwortung des Flughafenbetreibers tatsächlich geht. Reicht es beispielsweise aus, wenn sich der Flughafenbetreiber die Einhaltung "der Compliance" schriftlich bestätigen lässt?
- Wie weit gehen seine Pflichten wirklich? Die Vorschrift könnte - auch unter Heranziehung der korrespondierenden AMC (**AMC3-ADR.OR.D.025(c)**) so auszulegen sein, dass der Flughafenbetreiber tief in die Organisation und die Prozesse der anderen Organisationen und Dienstleister am Standort einsteigen muss.
- **Demnach würde den Betreiber eine umfassende Auditierungspflicht treffen!** Er müsste eine aufwendige Organisation implementieren, um - auch fachlich - überhaupt in der Lage zu sein, die Besonderheiten der Geschäftstätigkeit der anderen am Platz tätigen Organisationen überhaupt prüfen zu können. Ggf. müsste er Dritte einschalten, die ihn bei diesen Audits unterstützen. Andernfalls kann er gar nicht beurteilen, ob diese Organisationen z.B. "adequate safety procedures in place" haben.
- **Das ist völlig unverhältnismäßig und mit den bestehenden Ressourcen nicht zu leisten!**
- **Darüber hinaus sollte hier und im gesamten EASA-NPA die Formulierung "ensure" durch "monitor" ersetzt werden.**
- **Alternativ könnte geregelt werden, dass den Flughafenbetreiber jedenfalls keine Haftung trifft bzw. er nicht für Tun / Unterlassen dritter Organisationen verantwortlich ist!**
- **Begründung:**

Die Verpflichtung des Flughafenbetreibers könnte bisher dahingehend verstanden werden, dass der Flughafenbetreiber nicht nur Koordinator am Standort ist, sondern ihn auch umfangreiche Haftungsrisiken treffen.
- **Der Begriff "ensure" deutet auf eine verschuldensunabhängige Garantiehaftung hin!**
- **D.h. der Flughafenbetreiber wäre zumindest nach deutschem Rechtsverständnis auch HAFTUNGSRECHTLICH "Garant" dafür, dass alle Organisationen am Platz (Safety-)**

	<p>"compliant" sind.</p> <ul style="list-style-type: none"> • Was passiert also, wenn es durch einen Safety-Verstoß einer am Platz tätigen Organisation bei einem Dritten zu Schäden kommt? Muss dann der Flughafenbetreiber (auch) - sogar verschuldensunabhängig (!) - dafür einstehen (z.B. als Gesamtschuldner)? Da er ja als Garant sicherstellen soll ("ensure"), dass auch dritte Organisationen "compliant" sind. • Eine solch weitgehende Verpflichtung ist für den Flughafenbetreiber weder tatsächlich beherrschbar, noch über die Betriebshaftpflicht oder All Risk Modelle versicherbar und damit völlig indiskutabel!
response	<p><i>Partially accepted</i></p> <p>This requirement is based on ICAO provisions and it also addresses essential requirements contained in Annex Va of the Basic Regulation, in a proportionate and objective-based manner. The resources required to implement this requirement depend on various factors, such as complexity, size as well as the effectiveness of the safety management system itself. Moreover, the Agency has the view that the monitoring of third party activities is not sufficient on its own, but it should be supplemented by compliance monitoring activities, to ensure the adequacy and proper interfacing of safety procedures between the aerodrome and other organisations. In any case, the Agency has amended paragraph (a), while paragraph (c) has been removed.</p>
comment	<p>1359 comment by: <i>Federal Office of Civil Aviation FOCA</i></p> <p>In analogy with ADR.OR.B.045 this requirement strives for a "total system approach" and integrated safety management, both objectives which we welcome. As an ANSP is required to have safety procedures (pursuant to its SMS) it is important that the interface with those of the aerodrome operator are defined.</p>
response	<p><i>Noted</i></p> <p>The Agency understand that a comprehensive list of interface items is difficult to develop, given the unique characteristics of each aerodrome and its operating conditions. Such interfaces should be identified by the aerodrome operator itself, in coordination with the interested parties.</p>
comment	<p>1390 comment by: <i>Cologne/Bonn Airport</i></p> <p>(2): replace "ensure" by "monitor"</p>
response	<p><i>Partially accepted</i></p> <p>The text is based on the provisions of the aerodrome certification manual (ICAO Doc 9774) and the essential requirements of Annex Va of the Basic Regulation. Monitoring third party compliance does not ensure that the actual requirements are met. Ensuring that one's requirements are met is part of the aerodrome operator's safety management system processes.</p>

The term "ensure" is already used in the essential requirement contained in Annex Va to the Basic Regulation. Paragraph (a) has been amended, while the Agency has removed paragraph (c) of the relevant requirement.

comment 2428 comment by: *Dublin Airport Authority*

DAA reiterates that Guidance Material should accompany the implementation of the Certification process clarifying the extent to which the aerodrome operator is expected to police other organisations operating at the aerodrome and to what extent the aerodrome operator must document the procedures of those organisations.

Competent authorities across Europe, particularly where aerodrome operators are subject to economic regulation and have a number of different regulators responsible for separate remits, must ensure that the resources i.e. appropriate and adequate funding to develop, maintain and carry out the range of activities identified within the NPA are provided for.

The final point (c), again poses a particular difficulty in Ireland as the legislative and approval powers do not rest with the aerodrome operator and are the responsibility of the Commission for Aviation Regulation.

response *Partially accepted*

The role of the competent authority is to ensure that aerodrome operators comply continuously with the applicable requirements. The obligation of the aerodrome operator is not to "police" other organisations but to ensure that the third parties have safety procedures to comply with the applicable requirements of this Regulation

To this end, the Agency has amended paragraph (a), while paragraph (c) has been removed.

comment 2461 comment by: *Aéroports De Lyon*

"The aerodrome operator shall [...] **ensure that such organisations have adequate safety procedures in place** to comply with the requirements laid down in the aerodrome manual
The aerodrome operator shall establish and implement a programme to **ensure that the organisations mentioned in paragraph (a) comply with the applicable regulatory requirements and the content of the aerodrome manual.**"

Il n'est pas possible d'auditer des entreprises sur leur procédures internes, avec qui nous n'avons aucun contrat. (Ex: gendarmerie?! compagnies aériennes?!)

Proposition: axer ce paragraphe sur l'obligation d'avoir une coordination formalisée sur la plate-forme.

response *Partially accepted*

The text is based on the provisions of the aerodrome certification manual (ICAO Doc 9774) and the essential requirements of Annex Va of the Basic Regulation. Ensuring that one's requirements are met is part of the aerodrome operator's safety management system processes. In any case,

the Agency has amended paragraph (a), while paragraph (c) has been removed.

comment

2499 ❖

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.A.001 (p16)
- ANNEX I - Part-AR - ADR.AR.B.005 — Management system (p20)
- ANNEX I - Part-AR - ADR.AR.B.015 — Changes to the management system (p21)
- ANNEX I - Part-AR - ADR.AR.B.020 — Record-keeping (p22)
- ANNEX II - Part-OR - ADR.OR.B.040 — (p41)
- ANNEX II - Part-OR - ADR.OR.B.045 — Assessment of changes (p42)
- ANNEX II - Part-OR - ADR.OR.D.007 — Management of aeronautical data and aeronautical information (p50)
- ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51)
- ANNEX II - Part-OR - ADR.OR.D.025 — Coordination with other relevant organisations (p53)

The above rules are affected and should be revised, however, this list could not be considered exhaustive : related AMC and CS should be revised accordingly

2. Justification and proposed text / comment

This comment is linked to the comment on Administrative Burden (see comments : n°1010 in Book I and n°855 in Book II)

Regulation (EC) N°216/2008 states that "The Agency shall conduct standardisation inspections *in the fields covered by Article 1(1), in order to monitor the application by national competent authorities of this Regulation and of its implementing rules, and shall report to the Commission.*" Only a finding raised on the process to certify aerodromes could indicate a lack of resources, or a bad organisation of the State. However, no hook in Regulation (EC) N°216/2008 enables to impose an organisation to States. Moreover, this is probably not in accordance with Lisbon treaty. This has been debated in an Aviation Group (end 2008), and the Commission had confirmed that it was not necessary to distinguish the State and the Competent authority, and that the organisation and the means of the State were up to them.

Finally, the obligations of such an authority go beyond the scope of Regulation (EC) N°216/2008 in this NPA2011-20 which regulates how the State should be organised: **In no case**, EASA should ask the States to have a "Management System", with additional requirements on personnel, notably functions to monitor compliance, which induces administrative burden and huge costs: this is the State competency.

It is asked to EASA to delete the notion of a management system for the State, and to limit its regulation to the obligation, for the State, to have adequate procedures and resources to certify, and perform the oversight of aerodromes. It is to note that the Cover regulation only mentions "safety" management system, even in the aerodrome manual (ADR.OR.E.010).

The above rules are affected and should be revised, however, this list could not be considered exhaustive

response

Noted

The Agency understands that this comment is associated to the authority requirements and as such is not related to the requirement in question.

comment

2539

comment by: *Shannon Airport*

(a) 2 (a) 3 (c)

Shannon Airport reiterates that Guidance Material should accompany the implementation of the Certification process clarifying the extent to which the aerodrome operator is expected to police other organisations operating at the aerodrome and to what extent the aerodrome operator must document those organisations procedures.

Competent authorities across Europe, particularly where aerodrome operators are subject to economic regulation and have a number of different regulators responsible for separate remits, must ensure that the resources i.e. appropriate and adequate funding to develop, maintain and carry out the range of activities identified within the NPA are provided for.

The final point (c), poses a particular difficulty in Ireland as the legislative and approval powers do not rest with the aerodrome operator and are the responsibility of the Commission for Aviation Regulation.

response

Partially accepted

The role of the competent authority is to ensure that aerodrome operators comply continuously with the applicable requirements. The obligation of the aerodrome operator is not to "police" other organisations but to ensure that the third parties have safety procedures to comply with the applicable requirements of this Regulation

To this end, the Agency has amended paragraph (a), while paragraph (c) has been removed.

comment

2727

comment by: *AENA - Aeropuertos Españoles y Navegación Aérea*

Paragraph (a)(2) and paragraph (c) of this provision give too much responsibilities to the aerodrome operator although he has no legal power on some organisations working at the aerodrome.

The aerodrome operator can verify something exists within the organisation which is independent from him, but not "ensure" they exist, and absolutely not control the adequacy of such procedures with the content of the aerodrome manual.

Moreover, concerning paragraph (c), even big organizations, such as MAD airport, don't have the resources to conduct audits and inspections on the hundred of airlines and ground handlers that work on the aerodrome: conduct such audits and inspections should remain a possibility left to the aerodrome operator and should not be mandatory, let alone through a "programme" which would imply to make such audits and inspections on a regular basis.

Therefore, it's essential to delete paragraph (c) and the corresponding

AMC:

ADR.OR.D.025 – Coordination with other relevant organisations

"(a) The aerodrome operator shall:

(1) ensure that the safety management system of the aerodrome explicitly addresses the coordination and interface with the safety procedures of other organisations operating or providing services at the aerodrome;

(2) ensure ~~verify~~ that such organisations ~~ensure they have adequate safety procedures in place to comply with the requirements~~ ~~provisions~~ laid down in the aerodrome manual;

(3) coordinate and document arrangements and ~~responsibilities~~ ~~tasks~~ of other organisations operating or providing services at the aerodrome.

(b) The aerodrome operator shall:

(1) develop, lead and implement programmes to promote safety and the exchange of safety-relevant information; and

(2) ensure that organisations mentioned in paragraph (a) are involved in such programmes.

~~(c) The aerodrome operator shall establish and implement a programme to ensure that the organisations mentioned in paragraph (a) comply with the applicable regulatory requirements and the content of the aerodrome manual."~~

~~**AMC3 ADR.OR.D.025(c) – Coordination with other relevant organisations**~~

~~"COMPLIANCE OF OTHER ORGANISATIONS~~

~~In order to ensure compliance of the organisations operating or providing services at the aerodrome, with the regulatory requirements and with the content of aerodrome manual, the aerodrome operator should conduct audits and inspections of such organisations, through its compliance monitoring function (see AMC3 ADR.OR.D.005 (d))."~~

response *Partially accepted*

The text is based on the provisions of the aerodrome certification manual (ICAO Doc 9774) and the essential requirements of Annex Va of the Basic Regulation. The responsibilities foreseen in the requirements are part of the aerodrome operator's safety management system processes which is a prerequisite for issuing and maintaining a certificate. In any case, the Agency has amended paragraph (a), while paragraph (c) has been removed.

comment

2802

comment by: *Vereinigung der Dienstleister an Deutschen Flughäfen e.V. (VDF)*

The airport operator shall ensure that the safety management system of the aerodrome harmonizes with the safety procedures of other organisations operating or providing services at the aerodrome. It should be guaranteed that the safety requirements in the proposal for a regulation of the European Parliament and of the Council on ground handling services at Union airports and repealing Council Directive 96/67/EC and already the Council Directive 96/67/EC do harmonize.

response

Noted

The agency follows the relevant European Commission initiative on the Regulation repealing Council Directive 96/67/EC.

comment

2946

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.OR.D.025 (a) (2)	« Ensure that such organisations have adequate safety procedures in place to comply with the requirements laid down in the aerodrome manual. »
Proposition/commentaire	Il convient de modifier de la manière suivante: « Ensure check that such organisations have adequate safety procedures in place to comply with the requirements laid down in the aerodrome manual. »
Justification	Il semble impossible pour l'exploitant d'aérodrome de s'assurer en permanence que l'ensemble des organisations opérant ou fournissant des services dans l'aérodrome dispose de procédures de sécurité conformément aux règles fixées par le manuel d'aérodrome. En revanche l'exploitant d'aérodrome peut vérifier que de telles procédures existent. Ainsi, le terme « vérifier » est plus approprié.
Traduction de courtoisie	Should be amended as follows: « Ensure check that such organisations have adequate safety procedures in place to comply with the requirements laid down in the aerodrome manual. » It seems impossible for the aerodrome operator to ensure permanently that all organizations operating or providing services in the airport has safety procedures in accordance with rules established by the aerodrome manual. However the aerodrome operator can verify that such procedures exist. Thus, the term "check" is more appropriate.

response

Partially accepted

The term "ensure" is already used in the essential requirement contained in Annex Va to the Basic Regulation. Paragraph (a) has been amended , while the Agency has removed paragraph (c) of the relevant requirement.

comment

3185

comment by: DAA Cork Airport

(a) DAA reiterates that Guidance Material should accompany the implementation of the Certification process clarifying the extent to which the aerodrome operator is expected to police other organisations operating at the aerodrome and to what extent the aerodrome operator

	must document those organisations procedures.
response	<p><i>Noted</i></p> <p>The aerodrome operator is not expected to "police" other organisation, but rather to ensure that such organisations have safety related procedures which are coordinated with the procedures of the aerodrome. This is to be achieved through a relevant programme established and implemented by the aerodrome operator.</p>
comment	<p>3186 comment by: DAA Cork Airport</p> <p>(a) - (2)</p> <p>Competent authorities across Europe, particularly where aerodrome operators are subject to economic regulation and have a number of different regulators responsible for separate remits, must ensure that the resources i.e. appropriate and adequate funding to develop, maintain and carry out the range of activities identified within the NPA are provided for.</p>
response	<p><i>Noted</i></p> <p>This requirement is addressed to the aerodrome operators. The role of the competent authority is to ensure that aerodrome operators comply continuously with the applicable requirements.</p>
comment	<p>3187 comment by: DAA Cork Airport</p> <p>(c) Poses a particular difficulty in Ireland as the legislative and approval powers do not rest with the aerodrome operator and are the responsibility of the Commission for Aviation Regulation.</p>
response	<p><i>Accepted</i></p> <p>The Agency has removed paragraph (c).</p>
comment	<p>3329 comment by: CANSO Civil Air Navigation Services Organization</p> <p>ADR.OR.D.025 "Coordination with other relevant organisations" together with AMC3-ADR.OR.D.025(c) stipulates that the aerodrome operator should conduct audits and inspections of the local air navigation services provider to assess its compliance with the applicable regulatory requirements. Insofar the local ATS provider is certified, it is subject to continuous oversight by the competent authority already, which is not respected by the AMC.</p> <p>justification: Audits and inspections by the aerodrome operator would be inappropriate. The same applies if the local ATS provider is part of a certified ANS provider.</p> <p>alternative proposal:</p> <p>for AMC3-ADR.OR.D.025(c):</p> <p>In order to ensure compliance of the organisations operating or providing</p>

services at the aerodrome, with the regulatory requirements and with the content of aerodrome manual, the aerodrome operator should conduct audits and inspections of such organisations, through its compliance monitoring function, **except for certified Air Navigation Service Providers.**

response *Partially accepted*

The text is based on the provisions of the aerodrome certification manual (ICAO Doc 9774) and the essential requirements of Annex Va of the Basic Regulation. It is the aerodrome operator's responsibility to ensure that organisations operating or providing services at the aerodrome have safety procedures in place in order to comply with the applicable requirements of this Regulation. In any case, the Agency has amended paragraph (a), while paragraph (c) has been removed.

comment 3366 comment by: *ADV -German Airports Association*

ADR.OR.D.025 (a) (2)
Replace „ensure“ by „monitor“

response *Partially accepted*

The text is based on the provisions of the aerodrome certification manual (ICAO Doc 9774) and the essential requirements of Annex Va of the Basic Regulation. Monitoring third party compliance does not ensure that the actual requirements are met. Ensuring that one's requirements are met is part of the aerodrome operator's safety management system processes. In any case, the Agency has amended paragraph (a), while paragraph (c) has been removed.

comment 3380 comment by: *MST / STR - Stuttgart Airport*

ADR.OR.D.025 (a) (2)
Replace „ensure“ by „monitor“

response *Partially accepted*

The text is based on the provisions of the aerodrome certification manual (ICAO Doc 9774) and the essential requirements of Annex Va of the Basic Regulation. Monitoring third party compliance does not ensure that the actual requirements are met. Ensuring that one's requirements are met is part of the aerodrome operator's safety management system processes. In any case, the Agency has amended paragraph (a), while paragraph (c) has been removed.

comment 3483 ❖ comment by: *Fraport AG*

Annex II - Part- OR Subpart D

General

Fraport in general supports the reinforcement of SMS. Never the less a few comments will be made.

response	<i>Noted</i>
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ANNEX II - Part-OR - ADR.OR.D.030 – Safety reporting system

p. 53-54

comment	40	comment by: <i>ACI EUROPE - Airports Council International</i>
		(d) (5) add after "attribution of blame" "or instituting proceedings"
		Justification: to be in line with EC 2003/42
response	<i>Noted</i>	The Agency has the view that this issue is adequately addressed by the requirement for just culture, under which it should be defined what is considered acceptable or not.
comment	224	comment by: <i>SWISS AERODROMES ASSOCIATION</i>
		(5) the wording should be aligned with ICAO and say "refrain from attribution of blame <u>and instituting proceedings</u> in line with the just culture principles".
response	<i>Noted</i>	The Agency has the view that this issue is adequately addressed by the requirement for just culture, under which it should be defined what is considered acceptable or not.
comment	441	comment by: <i>MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen</i>
		Responsibility for safety reporting system lies with the safety manager and not with the aerodrome operator
response	<i>Noted</i>	It is the responsibility of the aerodrome operator to establish and implement a safety management system. This system should contain a safety reporting system. The safety manager is the responsible focal point for the development, administration and maintenance of the safety reporting system [see ADR.OR.D.015 and AMC1-ADR.OR.D.015(c)]
comment	468	comment by: <i>Avinor</i>
		ADR.OR.D.030 (d) (5). Add after "attribution of blame": "or instituting proceedings" to be in line with EC 2003/42.
response	<i>Noted</i>	

The Agency has the view that this issue is adequately addressed by the requirement for just culture, under which it should be defined what is considered acceptable or not.

comment	664 comment by: <i>Exeter International Airport</i>
	<p>ADR.OR.D.030 (c) : Voluntary reporting should be encouraged but it should not protect the identity of the reporter as this can make investigation and the implementation of remedial measures difficult, especially in terms of near miss reporting. Aerodrome Operators should have in place a "whistle blowing" policy and procedure for anonymous reporting.</p>
response	<i>Noted</i>
	<p>The Agency has the view that the protection of the identity of the reporting person is essential for the proper functioning of the reporting system. Moreover, the Agency does not share the view that the protection of the identity of the reporting may have a negative effect on any actions that may need to be taken by the aerodrome operator.</p>
comment	864 comment by: <i>DGAC Direction Générale de l'aviation civile</i>
	<p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX II - Part-OR – ADR.OR.D.030 - Safety reporting system – (p53-54) <p><u>2. Justification and proposed text / comment</u></p> <p>Paragraph (b) (1) of ADR.OR.D.030 is in contradiction with the French system and legal provisions. Indeed, in France, the aerodrome operator does not have law enforcement powers to ensure that third parties not under subcontract properly use the reporting system it provides. This point is essential for DGAC that proposes</p> <p>ADR.OR.D.030 - Safety reporting system</p> <p>"[...] (b) The aerodrome operator, in accordance with ADR.OR.D.005 (b) (3), shall: (1) require and ensure, without prejudice to the system and legal provisions of the relevant Member State, that the personnel and organisations mentioned in paragraph (a) use the safety reporting system for the mandatory reporting of any accident, serious incident and incidents; (1bis) promotes a policy for the use of this reporting system by other organisations mentioned in paragraph (a). [...] (d) The aerodrome operator shall: (3) ensure that all organisations operating or providing services at the aerodrome which are relevant to the safety concern, participate to the analysis of such reports and that any corrective measures identified are implemented, without prejudice to the system and legal provisions of the relevant Member State."</p>
response	<i>Not accepted</i>

A safety management system requires the existence of a properly functioning reporting system to which all concerned organisations participate. It is the responsibility of the certificate holder to ensure the proper functioning of the safety management system. The proposed provisions do not affect any national legislation requiring such third parties to report to the aerodrome operator.

comment 925 comment by: *Airport Nuremberg - NUE/EDDN*
 (a) (2) the word "ensure" should be replaced with the word "monitor", since ensuring is in this case not necessarily possible

response *Not accepted*
 There is no paragraph numbered (a)(2) in the draft rules, thus the comment may not be answered accurately. However, simply monitoring the functioning of the reporting system is not adequate for the effective functioning of a safety management system.

comment 1046 comment by: *Dublin Airport Authority*
 Ref (c)
 Clarification should be provided as to whether alternative systems of confidential reporting that may exist within a company or organisation structure associated with an aerodrome operator could be deemed sufficient under the Implementing Rules of the Basic Regulation or whether a new separate system must be established.

response *Noted*
 The Agency, given the circumstances, cannot assess if there is a need for an organisation to adjust its reporting system. However, to the extent that existing systems meet the requirements contained in the draft rules, the Agency does not see the need to establish a new reporting system.

comment 1103 comment by: *NATS National Air Traffic Services Limited*
 ADR.OR.D.030(d)(5) - The reference to "just culture" is welcomed.

response *Noted*

comment 1141 comment by: *Bezirksregierung Düsseldorf / Luftverkehr*
 In ADR.OR.D.030 muss textlich verdeutlicht werden, dass der "Safety Manager" insgesamt für das "SMS-Safety Management System" (besser noch "SSMS-Safety and Security Management System) verantwortlich und zuständig ist.

In ADR.OR.D.030 it must be emphasized, that the "Safety Manager" is responsible and competent for the "SMS-Safety Management System (much better: "SSMS-Safety and Security Management System) in total.

response *Noted*

It is the responsibility of the aerodrome operator to establish and implement a safety management system. This system should contain a safety reporting system.

The safety manager is the responsible focal point for the development, administration and maintenance of the safety reporting system [see ADR.OR.D.015 and AMC1-ADR.OR.D.015(c)]

comment 1280 comment by: *Blackpool Airport - BLK/EGNH*

ADR.OR.D.030 (c) : Voluntary reporting should be encouraged but it should not protect the identity of the reporter as this can make investigation and the implementation of remedial measures difficult, especially in terms of near miss reporting. Aerodrome Operators should have in place a "whistle blowing" policy and procedure for anonymous reporting.

response *Noted*

The Agency has the view that the protection of the identity of the reporting person is essential for the proper functioning of the reporting system. Moreover, the Agency does not share the view that the protection of the identity of the reporting may have a negative effect on any actions that may need to be taken by the aerodrome operator.

comment 1363 comment by: *Federal Office of Civil Aviation FOCA*

ADR.OR.D.030 (a): The collection of occurrence reports is of paramount importance within the SMS. Each ANSP is already required by its SMS (EC 1035/2011) to have in place an occurrence reporting system. The requirement ADR.OR.D.030(a) creates some confusion with regard to which reporting system has to be used by ANSP personnel (here mainly TWR ATCOs). In our view, the important element is not the system which is used for reporting, but rather the fact/aim that there is a flow of information between the ANSP and the aerodrome operator.

ADR.OR.D.030 (d) (1): Although mentioned in para. (c), it should be explicitly mentioned in para. (d) that no data of personnel involved in occurrences shall be recorded in the reporting database. FOCA therefore suggests the wording "record all reports submitted in a de-identified manner".

response *Noted*

This requirement does not replace or intends to replace the already existing reporting systems established in the context of other organisations' safety management systems. In some cases, the reporting person may have to report using more than one reporting systems or the person receiving a report may need to forward it to the final receiver(s) (e.g. tower controller receiving a bird strike report will have to forward to the aerodrome operator). It is expected that the organisations involved should have arrangements for the exchange of such information.

Moreover, the aerodrome operator may need to use the information for other purposes (e.g. to identify training needs of individuals). The Agency agrees however that the important issue is not to disclose the information, which is already foreseen in paragraph (c).

comment	<p>1391 comment by: <i>Cologne/Bonn Airport</i></p> <p>(d) (5): add after "attribution of blame" "or instituting proceedings"; This is in line with EC 2003/42</p>
response	<p><i>Noted</i></p> <p>The Agency believes that this issue is adequately addressed under the requirement for just culture, under which it should be defined what is considered acceptable or not.</p>
comment	<p>1828 comment by: <i>UK CAA</i></p> <p>Page No: 54</p> <p>Paragraph No: ADR.OR.D.030(d)(5)</p> <p>Comment: This should not be included as an Implementing Rule.</p> <p>Justification: Blame may alternatively be considered as "fault", "responsibility", "culpability". When an accident or incident occurs it is important to understand where fault and responsibility lies, so that lessons may be properly learned and changes made. What is important is to avoid punishment (other than in cases of wilful negligence).</p> <p>Proposed Text: Delete ADR.OR.D.030(d)(5) and replace with Acceptable Means of Compliance:</p> <p>"When an investigation determines persons responsible for an accident or incident, any actions taken should be in accordance with just culture principles".</p>
response	<p><i>Not accepted</i></p> <p>Refraining from the attribution of blame as foreseen in paragraph (d) (5) should be in line with the "just culture" principles, which should be in place [see AMC1-ADR.OR. D.005(b)(2)]. Moreover, there should be a requirement at implementing rule level in order to have a relevant AMC.</p>
comment	<p>1989 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>ADR.OR.D.030 (d) (5) - in order to be in line with EC 2003/42, add after "attribution of blame" "or instituting proceedings"</p>
response	<p><i>Noted</i></p> <p>The Agency believes that this issue is adequately addressed under the requirement for just culture, under which it should be defined what is considered acceptable or not.</p>
comment	<p>1991 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>ADR.OR.D.030 (d) (3) - Change the sentence to read "...which are relevant to the identified safety concern, participate in the analysis...". This makes more sense in the reading of the document.</p>

response	<p><i>Noted</i></p> <p>The fact that there is safety concern implies that it has been identified.</p>
comment	<p>2320 comment by: <i>Munich Airport International</i></p> <p><u>(d)</u></p> <p>(5): add after "attribution of blame" "or instituting proceedings"</p> <p>Justification: to be in line with EC 2003/42</p>
response	<p><i>Noted</i></p> <p>The Agency believes that this issue is adequately addressed under the requirement for just culture, under which it should be defined what is considered acceptable or not.</p>
comment	<p>2554 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i></p> <p>Paragraph (b) (1) of ADR.OR.D.030 is in contradiction with the Spanish system and legal provisions. Indeed, in Spain, the aerodrome operator does not have law enforcement powers to ensure that third parties not under subcontract properly use the reporting system it provides. This point is essential and It is proposed</p> <p>ADR.OR.D.030 - Safety reporting system</p> <p>"[...]</p> <p>(b) The aerodrome operator, in accordance with ADR.OR.D.005 (b) (3), shall:</p> <p>(1) require and ensure, without prejudice to the system and legal provisions of the relevant Member State, that the personnel and organisations mentioned in paragraph (a) use the safety reporting system for the mandatory reporting of any accident, serious incident and incidents;</p> <p>(1bis) promotes a policy for the use of this reporting system by other organisations mentioned in paragraph (a).</p> <p>[...]</p> <p>(d) The aerodrome operator shall:</p> <p>(3) ensure that all organisations operating or providing services at the aerodrome which are relevant to the safety concern, participate to the analysis of such reports and that any corrective measures identified are implemented, with</p>
response	<p><i>Not accepted</i></p> <p>A safety management system requires the existence of a properly functioning reporting system to which all concerned organisations participate. It is the responsibility of the certificate holder to ensure the proper functioning of the safety management system. The proposed provisions do not affect any national legislation requiring such third parties to report to the aerodrome operator.</p>
comment	<p>2795 comment by: <i>Danish Transport Authority</i></p> <p>Query: The occurrence reporting system (mandatory) is established by the</p>

	<p>competent authority according to Directive 2003/42/EC and used by aviation organisation including aerodrome operators (ADR.OR.C.030). In paragraph (b) (1) is mentioned that the mandatory reporting system should be used in the safety reporting system. Clarification in AMC and GM on how to integrate the safety reporting system established by the aerodrome operator and the occurrence reporting system established by the competent authority without the risk of having to similar reporting systems. An uniform safety reporting system will not support the possibility to acquire information from foreign aircraft operators operating on the aerodrome.</p>
response	<p><i>Noted</i></p> <p>The intent of ADR.OR.C.030 is to establish requirements for the certificate holder to report to the competent authority.</p> <p>On the other hand, ADR.OR.D.030, contains requirements for the establishment of an internal reporting system, in the context of its safety management system. It is expected that the aerodrome operator's internal reporting system could serve as basis in order to meet the requirement to report to the competent authority in accordance with ADR.OR.C.030.</p> <p>For this reason, AMC1-ADR.OR.D.030(a) foresees that "... (d) The aerodrome operator should provide the means and the format for the occurrence reporting, which should be such that meets the existing reporting requirements foreseen in the applicable legislation in terms of time, format and required information to be reported".</p> <p>Thus, any existing arrangements between a competent authority and relevant aerodrome operators in the context of the implementation of Directive 2003/42/EC, are not affected (e.g. if a competent authority required the reports to be made in ECCAIRS format, or by using a specific form etc). This is also the intent ADR.OR.C.030, which foresees that such reports will be made "in a form and manner established by the competent authority".</p>
comment	<p>3087 comment by: <i>CANSO Civil Air Navigation Services Organization</i></p> <p>Comment on ADR.OR.D.030(d) (5) The reference to "just culture" is welcomed.</p>
response	<p><i>Noted</i></p>
comment	<p>3092 comment by: <i>Zürich Airport</i></p> <p>ADR.OR.D.030 – Safety reporting system <i>REV</i></p> <p>(a) The aerodrome operator shall establish and maintain a safety reporting system to be used by all personnel and change to which can be used by organisations operating or providing services at the aerodrome, in order to promote safety at, and the safe use of, the aerodrome.</p> <p>(b) The aerodrome operator, in accordance with ADR.OR.D.005 (b) (3), shall:</p> <p>(1) require and ensure that the personnel and change to should promote that organisations mentioned in paragraph (a) use the safety reporting system for the mandatory reporting of any accident, serious incident and incidents;</p>

(2) ensure change to promote that that the safety reporting system may be used for the voluntary reporting of any defect, fault and potential safety hazard which could impact safety.

(c) The safety reporting system shall protect the identity of the reporter, encourage voluntary reporting and include the possibility that reports may be submitted anonymously.

(d) The aerodrome operator shall:

(1) record all reports submitted;

(2) analyse and assess the reports, as appropriate, in order to address safety

deficiencies and identify trends;

(3) ensure change to promote that that all organisations operating or providing services at the aerodrome which are relevant to the safety concern, participate to the

analysis of such reports and that any corrective measures identified are implemented;

(4) conduct investigations of reports, as appropriate; and

(5) refrain from attribution of blame in line with the 'just culture' principles.

response *Not accepted*

The Agency believes that promoting the use of the reporting system and the participation of the organisations involved in the relevant analyses is not adequate for the effective functioning of a safety management system.

comment 3188

comment by: DAA Cork Airport

(c) Clarification should be provided as to whether alternative systems of confidential reporting that may exist within a company or organisation structure associated with an aerodrome operator could be deemed sufficient under the Implementing Rules of the Basic Regulation or whether a new separate system must be established.

response *Noted*

The Agency, given the circumstances, cannot assess if there is a need for an organisation to adjust its reporting system. However, to the extent that existing systems meet the requirements contained in the draft rules, the Agency does not see the need to establish a new reporting system.

comment 3367

comment by: ADV -German Airports Association

ADR.OR.D.030 (d) (5)

add after "attribution of blame" "or instituting proceedings"

Justification:

to be in line with EC 2003/42

response *Noted*

The Agency believes that this issue is adequately addressed under the requirement for just culture, under which it should be defined what is considered acceptable or not.

comment	3381	comment by: <i>MST / STR - Stuttgart Airport</i>
	<p>ADR.OR.D.030 (d) (5) add after "attribution of blame" "or instituting proceedings"</p> <p>Justification: to be in line with EC 2003/42</p>	
response	<p><i>Noted</i></p> <p>The Agency believes that this issue is adequately addressed under the requirement for just culture, under which it should be defined what is considered acceptable or not.</p>	
comment	3483 ❖	comment by: <i>Fraport AG</i>
	<p>Annex II - Part- OR Subpart D</p> <p>General</p> <p>Fraport in general supports the reinforcement of SMS. Never the less a few comments will be made.</p>	
response	<p><i>Noted</i></p>	
comment	3492	comment by: <i>Fraport AG</i>
	<p>ADR.OR.D.030 — Safety reporting system</p> <p>Editorial</p> <p>refrain from attribution of blame in line with the 'just culture' principles.</p> <p>Proposed Text refrain from attribution of blame or instituting proceedings in line with the 'just culture' principles.</p> <p>Fraport AG: To be in line with EC 2003/42</p>	
response	<p><i>Noted</i></p> <p>The Agency believes that this issue is adequately addressed under the requirement for just culture, under which it should be defined what is considered acceptable or not.</p>	

ANNEX II - Part-OR - ADR.OR.D.035 — Record-keeping	p. 54-55
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comment	41	comment by: <i>ACI EUROPE - Airports Council International</i>
	<p>move "d)" and "e)" to AMC</p> <p>Justification: in order to be consistent with the original text proposal of the</p>	

	Rulemaking Group
response	<p><i>Noted</i></p> <p>The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>42 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>Use one common timeline - we suggest 5 years</p>
response	<p><i>Noted</i></p> <p>Some records, under certain circumstances need to be maintained for more than 5 year (e.g. training records, equipment manual etc).</p>
comment	<p>53 comment by: <i>Belfast International Airport - BFS/EGAA</i></p> <p>(5) Define what is meant by medical records</p> <p>(8) Under existing UK data protection legislation CCTV footage should not be kept for this length time</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has the view that there is no need to define the term medical records.</p> <p>With regard to data protection legislation, the draft rule will be amended to take into account data protection legislation. In any case, the intent of the rule was not to cover such CCTV data, but rather the outcome of investigations, reports, analyses etc., so that they can be used for risk management purposes.</p>
comment	<p>134 comment by: <i>CAA Norway</i></p> <p>We suggest to turn these detailed requirements in ADR.OR.D.035 (d) and (e) on page 54-55 into an AMC!</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>193 comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i></p> <p>To high demands for record-keeping. Records should be kept for minimum of 2 years in the specified reports unless otherwise agreed with the competent authority.</p> <p>(7) (8) Move "d)" and "e)" to AMC. Use one common timeline.</p>

	<p>ADR.OR.D.035(d)(3). Add "safety" between "aerodrome" and "equipment". There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p> <p>Moreover, given that the oversight cycle may be extended to a 48-month period, it is necessary ensure that records are maintained at a period that exceeds the 48-month cycle. The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.</p>
comment	<p>225 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>There is no need for such long record-keeping periods. The time limits should be aligned and not exceed 5 years. This IR should be an AMC.</p>
response	<p><i>Noted</i></p> <p>Some records, under certain circumstances need to be maintained for more than 5 year (e.g. training records, equipment manual etc). Moreover, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>308 comment by: <i>BAA Airside operations</i></p> <p>(d) (1) Delete "unlimited duration" and replace with 5 years. Unlimited duration is too onerous a requirement.</p> <p>(d) (3) Add "safety" between "aerodrome" and "equipment" There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.</p> <p>(d) (7) and (8) Move to AMC. This level of detail belongs in AMC not as an IR.</p>
response	<p><i>Partially accepted</i></p> <p>Some records, under certain circumstances need to be maintained for more than 5 year (e.g. training records, equipment manual etc). The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations. Finally, the definition of the aerodrome equipment is already contained in</p>

the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.

comment	416	comment by: <i>Edinburgh Airport</i>
	ADR.OR.D.035 (d) (1) Delete - "unlimited duration" and replace with 5 years Justification - Unlimited duration is too onerous a requirement.	
response	<i>Noted</i>	
	Some records, under certain circumstances need to be maintained for more than 5 year (e.g. training records, equipment manual etc). Moreover, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.	
comment	417	comment by: <i>Edinburgh Airport</i>
	ADR.OR.D.035 (d) (3) - Add "safety" between "aerodrome" and "equipment" Justification - There is no need for this to apply to all equipment or systems at the aerodrome, this should be specific to safety related equipment and systems.	
response	<i>Noted</i>	
	The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.	
comment	418	comment by: <i>Edinburgh Airport</i>
	ADR.OR.D.035 (d) (7) and (8) - Move to AMC Justification - This level of detail belongs in the AMC not as an IR.	
response	<i>Noted</i>	
	The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.	
comment	469	comment by: <i>Avinor</i>
	ADR.OR.D.035 (d) (7) (8). Move "d)" and "e)" to AMC in order to be consistent with the original text proposal of the Rulemaking Group.	
response	<i>Partially accepted</i>	
	The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations. However, the Agency has included items (d)(7) and (d)(8) under the common 5 year retention period.	

comment	470	comment by: <i>Avinor</i>
	ADR.OR.D.035 (a) requires an adequate system of record-keeping in particular related to ADR.OR.E.005 (Aerodrome Manual) and ADR.OR.D.015 (designated personell). ADR.OR.D.035 (d) specifies different types of records including their retention time. AMC 2 ADR.OR.D.035 address a new requirement when it is required to document no. of aircraft, pax etc. This is not logic when reading the above IR. This requirement should be reflected more clearly in ADR.OR.D.035.	
response	<i>Accepted</i>	
	The relevant AMC has been amended to be in line with the implementing rule.	
comment	556	comment by: <i>CAA Austria - Ministry of Transport</i>
	(d) and (e) set duration of record keeping to a same value (i.e. 5 years)	
	(d)(7) and (d)(8) Move (d) and (e) to AMC for the article. In order to be consistent with the original text proposal of the Rulemaking Group	
response	<i>Partially accepted</i>	
	Some records, under certain circumstances need to be maintained for more than 5 year (e.g. training records, equipment manual etc). The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.	
comment	595	comment by: <i>Flughafen Düsseldorf GmbH</i>
	Abschnitte d) und e) sind viel zu detailliert für eine IR. Die Inhalte sollten zumindest in die AMCs verschoben werden.	
	Die Aufbewahrungsfristen unter 7) und 8) sollten vereinheitlicht werden. Zudem sind diese zu lang. Vorschlag: 5 Jahre!	
response	<i>Noted</i>	
	Some records, under certain circumstances need to be maintained for more than 5 year (e.g. training records, equipment manual etc). Moreover, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.	
comment	607	comment by: <i>Vienna International Airport</i>
	(d) and (e) set duration of record keeping to a same value (i.e. 5 years)	
response	<i>Partially accepted</i>	
	Some records, under certain circumstances need to be maintained for	

more than 5 year (e.g. training records, equipment manual etc). However, the Agency has included items (d)(7) and (d)(8) under the common 5 year retention period.

comment	629	comment by: <i>Flughafen Düsseldorf GmbH</i>
	<p>Generell: Reicht hier die Verpflichtung Dritter zur Mitwirkung beim SMS über die FBO (Flughafenbenutzungsordnung) aus? Dies wäre wünschenswert!</p> <p>a) 2) Wie soll das geprüft werden? Muss eine schriftliche Bestätigung der Dritten eingeholt werden und reicht diese dann aus? Direkte Einflussnahme kaum möglich!</p> <p>d) 6) Der Umfang und Inhalt eines "hazard register" ist im GM zu definieren. Der Aufwand muss akzeptabel bleiben.</p>	
response	<p><i>Noted</i></p> <p>The Agency cannot relate this comment to the respective requirement.</p>	
comment	665	comment by: <i>Exeter International Airport</i>
	<p>ADR.OR.D.035(d)(1) : Delete "unlimited duration" and replace with 5 years. Unlimited duration is too onerous a requirement.</p>	
response	<p><i>Noted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.</p>	
comment	666	comment by: <i>Exeter International Airport</i>
	<p>ADR.OR.D.035(d)(3) : Add "safety" between "aerodrome" and "equipment". There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems</p>	
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.</p>	
comment	667	comment by: <i>Exeter International Airport</i>
	<p>ADR.OR.D.035(e) : Any other safety record is too wide a description.</p>	
response	<p><i>Noted</i></p>	
comment	668	comment by: <i>Exeter International Airport</i>
	<p>ADR.OR.D.035(d) (7) and (8) : Move to AMC. This level of detail belongs</p>	

	in AMC not as an IR.
response	<p><i>Noted</i></p> <p>The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>676 comment by: <i>Belfast International Airport - BFS/EGAA</i></p> <p>d)(1) Delete "unlimited duration" and replace with 5 years. This will be too onerous.</p>
response	<p><i>Noted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.</p>
comment	<p>679 comment by: <i>Belfast International Airport - BFS/EGAA</i></p> <p>(d)(3) Add "safety" between "aerodrome" and "equipment". This should only apply to safety equipment and systems</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.</p>
comment	<p>873 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #237</p> <p>UAF NPA 2011-20 (B.I) ADR.OR.D.035 (d) et (e)</p> <p>Référence: ADR.OR.D.035 (d) et (e) "Records shall be kept as follows [...] unless otherwise agreed with the competent authority."</p> <p>Traduction de courtoisie These provisions should be AMC. This section is part of the three preceding paragraphs and can treat them.</p>
response	<p><i>Accepted</i></p> <p>The relevant AMC has been amended to be in line with the implementing rule.</p>
comment	<p>1019 comment by: <i>Avinor</i></p> <p>ADR.OR.D.035(d)(3). Add "safety" between "aerodrome" and "equipment". There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.</p>

response

Noted

The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.

comment

1048

comment by: *Dublin Airport Authority*

Ref (c)

Amend sentence to read: "ensures protection from damage ..."

Ref (d)

"Unlimited duration" is too onerous a requirement and should be replaced with a time bounded period such as 5 years.

Ref (d)-(3)

Amend sentence to read: "aerodrome safety equipment" – There is no need for this requirement to apply to all equipment or systems at the aerodrome but should be specific to safety related equipment and systems.

response

Partially accepted

Paragraph (c) has been amended in the suggested direction.

The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.

The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.

comment

1078 ❖

comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- A. Explanatory Note - EXECUTIVE SUMMARY (p2)
- A. Explanatory Note - II. Process and scope (p5,6): note 1
- A. Explanatory Note - III. Overview of the rules proposed in this NPA - Certification process including the establishment of the certification basis (CB) (p9): (23) (24)
- Draft Commission Regulation (p2-5): §11
- ANNEX II - Part-OR - ADR.OR.D.035 – Record keeping (p55)
- AMC/GM to ANNEX I – Part-AR – GM1-ADR.AR.C.055 – Findings, corrective actions and enforcement measures (p34)
- AMC/GM to ANNEX II – Part-OR – AMC1-ADR.OR.E.005 – Aerodrome manual (p109)
- AMC/GM to ANNEX II – Part-OR – AMC2-ADR.OR.E.005 – Aerodrome manual (p109-114)

2. Justification and proposed text / comment

This comment is linked with comment 24 in Explanatory Note and 824 in

book II.

As indicated in the explanatory note (pages 2, 5, 6 and 9), requirements for the certification of aerodrome equipment, as well as for the oversight of designers and producers of safety-critical aerodrome equipment will follow at a later stage jointly with the work to be done for specific ATM systems and constituents. This work will probably help knowing which equipment is ATM and which is aerodrome, knowing that most of it is ATM equipment.

Therefore, the aerodrome equipment should not be part of the aerodrome manual since lots of it is air traffic management equipment. Moreover, the pertinence of having a manual for aerodrome equipment in charge of the aerodrome operator is not proved and merits further debates.

Consequently:

- the first bullet of **GM1-ADR.AR.C.055 is to be deleted**
- Paragraph 4.3 of Part C of the content of the aerodrome manual of the proposed GM1-ADR.OR.E.010 — *Structure of the aerodrome manual* is to be deleted, all the more that outside the boundaries of the aerodrome, the aerodrome operator is no more competent;
- Paragraph 13 of Part E of the content of the aerodrome manual of the proposed GM1-ADR.OR.E.010 — *Structure of the aerodrome manual* is to be deleted

"ADR.OR.D.035 – Record-keeping

[...]

(d) [...]

(3) ~~manuals of aerodrome equipment or systems employed at the aerodrome, for as long as they are used at the aerodrome~~

[...]"

GM1-ADR.AR.C.055 – Findings, corrective actions and enforcement measures

"CATEGORIES OF FINDINGS – DOCUMENTARY EVIDENCE

Examples of documentary evidence include but is not limited to:

~~aerodrome or equipment manuals;~~

[...]"

AMC2-GM1-ADR.OR.E.00510 – Structure of the aerodrome manual

"[...]

C. PART C – PARTICULARS OF THE AERODROME SITE

[...]

4.3 ~~a plan showing the location of any aerodrome facilities and equipment outside the boundaries of the aerodrome;~~

[...]

E. PART ~~D~~ **E** – PARTICULARS OF THE AERODROME OPERATING PROCEDURES AND SAFETY MEASURES **OPERATING PROCEDURES OF THE AERODROME, ITS EQUIPMENT AND SAFETY MEASURES**

[...]

~~13. Maintenance and repair instructions, servicing information, troubleshooting and inspection procedures of aerodrome equipment~~

[...]"

response Noted

The Agency will deal with the issue of the aerodrome equipment in a future rulemaking task; however the manuals of aerodrome equipment or systems employed at the aerodrome, should be maintained at the aerodrome.

comment 1104 comment by: *NATS National Air Traffic Services Limited*
 ADR.OR.D.035(c) - ADR.AR.B.020 is better worded and the OR text should reflect this.
 response *Noted*

comment 1107 comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.D.035(d)(1)	Delete "unlimited duration" and replace with 5 years	Unlimited duration is too onerous a requirement.
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response *Noted*
 The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.

comment 1108 comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.D.035(d)(3)	Add "safety" between "aerodrome" and "equipment"	There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.
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response *Noted*
 The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.

comment 1109 comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.D.035(d) (7) and (8)	Move to AMC	This level of detail belongs in AMC not as an IR.
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response *Noted*
 The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.

comment 1120 ❖ comment by: *DGAC Direction Générale de l'aviation civile*
1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.B.005 (a) (2) — Management System (p20)
- AMC/GM to ANNEX I — Part-AR — GM2-ADR.AR.B.005 ~~AR-200(a)~~ — Management system (p10)
- ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51-52)
- ANNEX II - Part-OR - ADR.OR.D.035 — Record keeping (p55)
- AMC/GM to ANNEX II — Part-OR — AMC1-ADR.OR.D.015(e) — Personnel requirements (p100)
- AMC/GM to ANNEX II — Part-OR — GM1-ADR.OR.D.015 ~~AR200(e)~~ — Personnel requirements (p100)
- ANNEX III — Part-OPS - ADR-OPS.B.010 (a)(3) — Rescue and fire-fighting services (p65)
- AMC/GM to ANNEX III — Part-OPS —AMC-ADR-OPS. B.055 — Fuel quality (p160)
- ANNEX III — Part-OPS —ADR-OPS.B.060 — Access to the movement area (p67-68)

2. Justification and proposed text / comment

This comment is linked with comment 869 in book II.

This comment is critical, as this is linked to an important European directive, it would be very stringent to implement it and the specifications quoted contradict themselves.

All personnel do not have to receive a “qualification”, as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions. **This word (“qualification”) should not be used with the meaning of the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.**

All personnel do not have to receive a “qualification”, as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions and it is very stringent.

However, it seems to be the meaning used here as specified in **AMC1-ADR.OR.D.015(e)**.

What is to be evaluated is the competency of people (including their training, their diploma, their skills). Training is generally adapted to the competency: some provisions use “competency” (which is adequate) and some others use “qualification”.

Moreover, those specifications are not consistent as, for instance, GM2-ADR.AR.B.005 ~~AR-200(a)~~ which contradicts GM3-ADR.AR.B.005 (a)(2) which says that the aim is to ensure “personnel remain competent”.

GM2-ADR.AR.B.005 ~~AR-200(a)~~ includes a non-adequate definition, and even say that “qualification does not necessarily imply competence”, which is wrong.

It is consequently asked to delete references to "qualifications", which is an important remark from France, and to replace it by "competency". It is asked to delete references to the European directive, and to revise GM2-ADR.AR.B.005 AR.200(a) and GM3-ADR.AR.B.005 which define these words.

Proposal:

"ADR.AR.B.005 – Management system

(a) [...]

(2) [...] Such personnel shall be ~~qualified~~ **competent** to perform their allocated tasks [...]"

"GM2-ADR.AR.B.005 AR.200(a)(2) – Management system

~~QUALIFICATION~~ **COMPETENCY OF PERSONNEL**

The term ~~qualification~~ **competency** denotes fitness for the purpose through fulfilment of the necessary conditions such as completion of required training, or acquisition of a diploma or degree.

~~Qualification~~ It could also be interpreted to mean capacity, knowledge, or skill that matches or suits an occasion, or makes someone eligible for a duty, office, position, privilege, or status.

~~Qualification does not necessarily imply competence.~~

Certain posts may by nature be associated with the possession of certain qualifications in a specific field (e.g. civil or electrical engineering, wildlife biology etc.). In such cases, the person occupying such a post is expected to possess the necessary qualifications at a level that is in accordance with the applicable national or community legislation."

"ADR.OR.D.015 – Personnel requirements

[...]

(d) The aerodrome operator shall have sufficient and ~~qualified~~ **competent** personnel for the planned tasks and activities to be performed in accordance with the applicable requirements.

(e) The aerodrome operator shall maintain appropriate qualification, **if relevant**, and training records [...]"

"ADR.OR.D.035 – Record-keeping

[...]

(d) [...]

(5) personnel training, qualifications, **if relevant**, and medical records [...]"

"AMC1-ADR.OR.D.015(e) – Personnel requirements

~~DETERMINATION OF PERSONNEL NEEDS AND QUALIFICATIONS~~

(a) [...]

(b) The aerodrome operator should determine the required **competencies** ~~qualifications~~, in accordance with the applicable requirements (and the **national and European Union legislation where this is applicable, for qualifications**), and include them in the aerodrome manual. A documented system with defined responsibilities should be in place, in order to identify any needs for changes with regard to personnel qualifications **and/or competency**."

"GM1-ADR.OR.D.015 AR200(e) – Personnel requirements

~~QUALIFICATION~~ **COMPETENCY OF PERSONNEL**

The term ~~qualification~~ **competency** denotes fitness for the purpose through

fulfilment of the necessary conditions such as completion of required training, or acquisition of a diploma or degree. ~~Qualification~~ It could also be interpreted to mean capacity, knowledge, or skill that matches or suits an occasion, or makes someone eligible for a duty, office, position, privilege, or status.

~~Qualification does not necessarily imply competence.~~

Certain posts may by nature be associated with the possession of certain qualifications in a specific field (e.g. rescue and fire-fighting, civil, mechanical or electrical engineering, wildlife biology etc.). In such cases, the person occupying such a post is expected to possess the necessary qualifications at a level that is in accordance with the applicable national or European Union legislation."

ADR-OPS.B.010 – Rescue and fire-fighting services

"(a) [...]

(3) rescue and fire-fighting personnel are properly trained and equipped ~~and qualified to operate in the aerodrome environment without prejudice to the system and legal provisions of the relevant Member State;~~

[...]"

AMC-ADR-OPS.B.055 – Fuel quality (linked with comment n°908 on responsibilities)

"(a) ~~Without prejudice to the system and legal provisions of the relevant Member State, t~~The aerodrome operator should ensure, either by itself or through formal arrangements with third parties, that organisations involved in storing and dispensing of fuel to aircraft, ~~implement~~ have procedures to:

[...]

(4) Use adequately ~~qualified and~~ trained staff in storing, dispensing and otherwise handling fuel on the aerodrome."

response

Noted

The Basic Regulation uses the term qualified, while relevant guidance material has been provided to clarify the meaning of the term "qualification".

comment

1161

comment by: ADP : Aeroports de Paris

Référence: ADR.OR.D.035 (d) et (e)

"Records shall be kept as follows [...] unless otherwise agreed with the competent authority."

Proposition/commentaire

Ces dispositions devraient être des AMC.

Justification

Cette partie entre dans le cadre des trois paragraphes précédents et permet de les traiter.

	<p>Traduction de courtoisie These provisions should be AMC.</p> <p>This section is part of the three preceding paragraphs and can treat them.</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>1208 comment by: <i>Swedish Regional Airport Association</i></p> <p>Is the format really what is Important?</p>
response	<p><i>Noted</i></p>
comment	<p>1209 comment by: <i>Swedish Regional Airport Association</i></p> <p>Unrealistic demand of recordkeeping in (1, 4, 5, 7, 8)</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that the records mentioned in the other sub-paragraphs, need to be maintained for the period stipulated in the draft rules.</p>
comment	<p>1282 comment by: <i>Blackpool Airport - BLK/EGNH</i></p> <p>ADR.OR.D.035(d)(1) : Delete "unlimited duration" and replace with 5 years. Unlimited duration is too onerous a requirement.</p>
response	<p><i>Noted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.</p>
comment	<p>1283 comment by: <i>Blackpool Airport - BLK/EGNH</i></p> <p>ADR.OR.D.035(d)(3) : Add "safety" between "aerodrome" and "equipment". There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and system</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.</p>

comment	<p>1284 comment by: <i>Blackpool Airport - BLK/EGNH</i> ADR.OR.D.035(e) : Any other safety record is too wide a description</p>
response	<p><i>Noted</i></p>
comment	<p>1285 comment by: <i>Blackpool Airport - BLK/EGNH</i> ADR.OR.D.035(d) (7) and (8) : Move to AMC. This level of detail belongs in AMC not as an IR.</p>
response	<p><i>Noted</i></p> <p>The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>1364 comment by: <i>Gatwick Airport Ltd</i></p> <p>(b)</p> <p>Delete</p> <p>Justification</p> <p>Move to guidance material and replace "shall" with "may"</p> <p>(c)</p> <p>Delete</p> <p>Justification</p> <p>To detailed for IR</p> <p>(d)(5)</p> <p>Amend "until the end of their employment" to read "end of their deployment in a relevant role"</p> <p>Justification</p> <p>Employees may change roles without terminating their employment at an airport. The IR is too onerous as currently written.</p> <p>(d)(3)</p> <p>Add "safety" between "aerodrome" and "equipment"</p> <p>Justification</p> <p>There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.</p>

	<p>(d) (7) and (8)</p> <p>Stated time periods to onerous</p> <p>Justification</p> <p>Record keeping requirements for accident and incident occurrences should align with member state legislation.</p>
response	<p><i>Partially accepted</i></p> <p>Such requirements should be at implementing rule level, as in other aviation areas, since the introduce requirements for the regulated organisations, while the Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. In addition, the Agency has the view that the records mentioned in the other sub-paragraphs, need to be maintained for the period stipulated in the draft rules, due to the character of the records concerned.</p> <p>Moreover, the definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.</p> <p>Finally, the Agency has the view that the training records of personnel should be maintained irrespectively of their roles in the organisation.</p>
comment	<p>1392 comment by: <i>Cologne/Bonn Airport</i></p> <p>move (d) and (e) to AMC; This is consistent with the original proposal of the rulemaking group</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>1406 comment by: <i>Brussels Airport - BRU/EBBR</i></p> <p>ADR.OR.D.035(d) : the minimum duration of keeping the records as mentioned in the NPA is really a minimum. It may be in the intrest of the airport itself to retain the records a little longer. Because sometimes, it is good to know the history of certain subjects (or to have the possibility to go back in history to look certain things up).</p> <p>Therefore, I suggest to either rewrite the text in a way that the mentioned periods of retaining records is a minimum (this leaves the possibility to the aerodrome to retain them longer) or to add as follows :</p> <p>(2) + 5 years (3) + 5 years (4) + 5 years (5) + 5 years (6) + the previously defined (not current) hazards for another 5 years (7) & (8) : OK as it is</p>

	(e) : OK as it is.
response	<p><i>Partially accepted</i></p> <p>It is for the aerodrome operator to determine the need and the period to keep the relevant records after the minimum retention period of 5 years has been met.</p>
comment	<p>1407 comment by: <i>Brussels Airport - BRU/EBBR</i></p> <p>ADR.OR.D.035(d)(5) The term proficiency check is not defined, not in art. 2 of the Cover Regulation, neither under CS-ADR-DSN.A.002. In AMC2-ADR.OR.D.015(g)(a) only mentions the implementation of proficiency check programmes. No GM on this subject is provided. I suggest 2 additions in the NPA :</p> <ol style="list-style-type: none"> 1. An incorporation of a definition of proficiency check. 2. To write an AMC or GM on the subject of proficiency check programmes. <p>This, preferably based on the existing definition, as is written in Commission Regulation (EU) 1178/2011. That regulation is laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to (EC) 216/2008, which means that it is actually a 'sister regulation' to this NPA 2011-20 text on aerodromes, pursuant to 216/2008. Since 1178/2011 is written for art. 7 & Annex III of 216/2008, as this NPA 2011-20 is written for art. 8a & Annex Va of the same 216/2008. Therefore I suggest to add the following definition in art. 2 of the Cover Regulation (B.I) and in CS-ADR-DSN.A.002 (B.III, book 1) : Proficiency check means the demonstration of skill to revalidate or renew ratings, including such oral examination as may be required. In addition, and for completeness, I would add the definition for Revalidation : Revalidation (of.e.g. a rating or certificate) means the administrative action taken within the period of validity of a rating or certificate which allows the holder to continue to exercise the privileges of a rating or certificate for a further specified period consequent upon the fulfilment of specified requirements. This definitions is also included in 1178/2011.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has provided guidance on the relevant issue.</p>
comment	<p>1420 comment by: <i>Salzburger Flughafen GmbH</i></p> <p>(d) and (e) set duration of record keeping to a same value (i.e. 5 years)</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that the records mentioned in the other sub-paragraphs, due to their nature, need to be maintained for the period stipulated in the draft rules, which may go beyond the 5-year period.</p>
comment	<p>1434 comment by: <i>Brussels Airport - BRU/EBBR</i></p>

ADR.OR.D.035(a) & ADR.OR.D.015(e)
 To add something similar as to what was in **JAR-OPS 3.985 Training Records**
Records
 (See IEM OPS 3.985)
 (a) An operator shall:
 (1) Maintain records of all training, checking and qualification prescribed in JAROPS 3.945, 3.955, 3.965, 3.968 and 3.975 undertaken by a flight crew member; and
 (2) Make the records of all conversion courses and recurrent training and checking available, on request, to the flight crew member concerned.
 Or as in
JAR-OPS 3.1035 Training records
 (a) An operator shall:
 (1) Maintain records of all training and checking required by JAR-OPS 3.1005, 3.1010, 3.1015, 3.1020 and 3.1025; and
 (2) Make the records of all initial, conversion and recurrent training and checking available, on request, to the crew member concerned.
 This will help the transfer of records in case the personnel changes from jobs or place of employment (e.g. people working for a company that is the operator of several airports. Somebody who received an initial course on Dangerous Goods, should be allowed to follow recurrent trainings, in case he changes from one airport to another, operated by the same company, without having to retake the initial course, which is probably the same anyway all over the different airports, operated by the same company).

response *Accepted*
 The Agency has amended the relevant requirements in the suggested direction.

comment *1478* comment by: *Aéroport de Marseille - MRS/LFML*
 d and e/ These provisions should be AMC.
 This section is part of the three preceding paragraphs and can treat them.

response *Noted*
 The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.

comment *1517* comment by: *Flughafen Linz-Hörsching - LNZ/LOWL*
 (d) and (e) set duration of record keeping to a same value (i.e. 5 years)

response *Partially accepted*
 The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that the records mentioned in the other sub-paragraphs, due to their nature, need to be

maintained for the period stipulated in the draft rules, which may go beyond the 5-year period.

comment	<p>1597 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #238</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.D.035 (d) et (e)</p> <p>Référence: ADR.OR.D.035 (d) et (e) “Records shall be kept as follows [...] unless otherwise agreed with the competent authority.”</p> <p>Traduction de courtoisie These provisions should be AMC. This section is part of the three preceding paragraphs and can treat them.</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>1625 comment by: <i>MST / STR - Stuttgart Airport</i></p> <p>Part (b):</p> <ul style="list-style-type: none"> It is <u>not</u> mandatory to specify the format of the records in the aerodrome manual. <u>This part should be deleted.</u>
response	<p><i>Noted</i></p>
comment	<p>1648 comment by: <i>Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i></p> <p>(d) and (e) set duration of record keeping to a same value (i.e. 5 years)</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that the records mentioned in the other sub-paragraphs, due to their nature, need to be maintained for the period stipulated in the draft rules, which may go beyond the 5-year period.</p>
comment	<p>1722 comment by: <i>Flughafen Graz Betriebs GmbH</i></p> <p>(d) and (e) set duration of record keeping to a same value (i.e. 5 years)</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that the records mentioned in the other sub-paragraphs, due to their nature, need to be</p>

maintained for the period stipulated in the draft rules, which may go beyond the 5-year period.

comment

1829

comment by: UK CAA

Page No: 54**Paragraph No:** ADR.OR.0.035(a)**Comment:** Reference to OR.D.015 and E.005 is unnecessary.

Justification: The aim should be to have record keeping systems that cover relevant safety activity/operation, not just staff and ADM records. The examples in (a) are already included in the list in (d) and do not require to be separately identified.

Proposed Text: ADR.OR.0.035(a) **The aerodrome operator shall establish an adequate system of record-keeping.**

response

Noted

The Agency has the view that it is necessary to define a common minimum retention period for record keeping, and also make clear, for reasons of legal certainty, any exemptions to this rule, at implementing rule level, since they introduce requirements for the regulated organisations

comment

1830

comment by: UK CAA

Page No: 54**Paragraph No:** ADR.OR.D.035(b)

Comment: This is unnecessarily prescriptive and does not reflect provisions in other domains, which refer only to operators' procedures.

Justification: The record system should be for the aerodrome operator to decide and forms part of the safety and quality management systems and procedures not the aerodrome manual.

Proposed Text: "(b) The format of the records shall be specified in the aerodrome operator's procedures".

response

Noted

Record keeping falls under the management system of the aerodrome operator, while the key document in accordance to which it has to operate the aerodrome is the aerodrome manual. The latter may contain or refer to other documents.

comment

1902

comment by: Birmingham Airport - BHX/EGBB

Better to have one consistent record keeping time period - 5 years

response

Noted

Some records, under certain circumstances need to be maintained for more than 5 year (e.g. training records, equipment manual etc), so that a uniform retention period cannot be specified.

comment 1926 comment by: *Stansted Airport*
 ADR.OR.D.035(d)(1)
 Delete "unlimited duration" and replace with 5 years
 Unlimited duration is too onerous a requirement.

response *Noted*
 The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.

comment 1927 comment by: *Stansted Airport*
 ADR.OR.D.035(d)(3)
 Add "safety" between "aerodrome" and "equipment"
 There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.

response *Noted*
 The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.

comment 1928 comment by: *Stansted Airport*
 ADR.OR.D.035(d) (7) and (8)
 Move to AMC
 This level of detail belongs in AMC not as an IR.

response *Noted*
 The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.

comment 1978 comment by: *London Luton Airport Operations Ltd*
 at (d) (1), maintaining records for an unlimited duration is not practicable consideration should be given to 5 or 8 years for storage.

response	<p><i>Noted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.</p>
comment	<p>1993 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>ADR.OR.D.035 (1) - the requirement to keep documentation for an "unlimited" time is unclear. The text should require a specific timeframe - 5 years / 10 years ?</p>
response	<p><i>Noted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.</p>
comment	<p>1994 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>ADR.OR.D.035 (7) (8) - Move (d) and (e) to AMC for the article. This was the text that was proposed by the RMG ADR-001 and is more appropriate.</p>
response	<p><i>Noted</i></p> <p>The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>2048 comment by: <i>Airport Operators Association</i></p> <p>ADR.OR.D.035(d)(1) Delete "unlimited duration" and replace with 5 years Justification - Unlimited duration is too onerous a requirement.</p> <p>ADR.OR.D.035(d)(3) Add "safety" between "aerodrome" and "equipment" Justification - There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.</p> <p>ADR.OR.D.035(d) (7) and (8) These should move to AMC Justification - This level of detail belongs in AMC not as an IR.</p>
response	<p><i>Partially accepted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.</p> <p>Moreover, the definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.</p>

Finally, the Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.

comment 2166 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*
Attachment [#239](#)
UAF NPA 2011-20 (B.I) ADR.OR.D.035 (d) et (e)
Référence: ADR.OR.D.035 (d) et (e)
"Records shall be kept as follows [...] unless otherwise agreed with the competent authority."
Traduction de courtoisie
These provisions should be AMC.
This section is part of the three preceding paragraphs and can treat them.

response *Noted*
The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.

comment 2189 comment by: *CAA CZ*
Comment by Karlovy Vary airport
We proposed modified wording of following paragraph :
ADR.OR.D.035 — Record-keeping
(a) The aerodrome operator shall establish an adequate system of record-keeping, covering in particular all the elements indicated in ADR.OR.E.005 and ADR.OR.D.015.

response *Noted*
The proposed requirement does not address fully all relevant issues.

comment 2227 comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*
Attachment [#240](#)
ADBM - NPA 2011-20 (B.I) ADR.OR.D.035 (d) et (e)
Référence: ADR.OR.D.035 (d) et (e)
"Records shall be kept as follows [...] unless otherwise agreed with the competent authority."
Traduction de courtoisie
These provisions should be AMC.
This section is part of the three preceding paragraphs and can treat them.

response *Noted*
The Agency has the view that such requirements should be at

implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.

comment 2248 comment by: *Birmingham Airport - BHX/EGBB*
 Add the word 'safety' between 'aerodrome' and 'equipment' - the requirement should be specific to safety related equipment and/or systems.

response *Noted*
 The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.

comment 2249 comment by: *Birmingham Airport - BHX/EGBB*
 (d) (7) and (8) should be moved to AMC - not appropriate as an IR

response *Noted*
 The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.

comment 2322 comment by: *Munich Airport International*
 move "d)" and "e)" to AMC
 Justification: in order to be consistent with the original text proposal of the Rulemaking Group

response *Noted*
 The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.

comment 2330 comment by: *Pau Pyrénées Airport - PUF/LFBP*
 These provisions should be AMC.
 This section is part of the three preceding paragraphs and can treat them.

response *Noted*
 The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.

comment 2540 comment by: *Shannon Airport*
 (d) 1 "Unlimited duration" is too onerous a requirement and should be replaced with a time bounded period such as 5 yrs.

response	<p><i>Noted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.</p>
comment	<p>2541 comment by: <i>Shannon Airport</i></p> <p>(d) 3 Amend sentence to read: "aerodrome safety equipment" – should be specific to safety related equipment and systems only.</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.</p>
comment	<p>2634 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 54</p> <p>Paragraph No: ADR.OR.D.035 (d)(1)</p> <p>Comment Unlimited duration is too ambiguous.</p>
response	<p><i>Noted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.</p>
comment	<p>2635 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 55</p> <p>Paragraph No: ADR.OR.D.035 (d)(3)</p> <p>Comment There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.</p>
comment	<p>2636 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 55</p> <p>Paragraph No: ADR.OR.D.035 (d)(5)</p> <p>Comment IAEL support this although records should also be retained</p>

	for at least 5 years following termination of employment.
response	<p><i>Partially accepted</i></p> <p>The text has been amended in the proposed direction to ensure that records are retained for a certain period after the termination of employment.</p>
comment	<p>2637 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 55</p> <p>Paragraph No: ADR.OR.D.035 (e)</p> <p>Comment Define: The term "any other safety record" is too ambiguous and should be clarified to at least limit this to documents with relevance to aircraft safety.</p>
response	<p><i>Accepted</i></p> <p>Paragraph (e) has been removed and the overall provisions have been simplified.</p>
comment	<p>2677 comment by: <i>HIA - Highlands and Islands Airports Limited</i></p> <p>D.035 (d) (1) - Delete unlimited and replace with 5 years. Unlimited duration is too onerous a requirement</p> <p>D.035 (d) (7) and (8) - These items should be moved to acceptable means of compliance</p>
response	<p><i>Partially accepted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.</p> <p>Moreover, the Agency has the view that such requirements should be at implementing rule level, as in other aviation areas. However, the Agency has included items (d)(7) and (d)(8) under the common 5-year retention period.</p>
comment	<p>2723 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i></p> <p>As indicated in the explanatory note (pages 2, 5, 6 and 9), requirements for the certification of aerodrome equipment, as well as for the oversight of designers and producers of safety-critical aerodrome equipment will follow at a later stage jointly with the work to be done for specific ATM systems and constituents. This work will probably help knowing which equipment is ATM and which is aerodrome, knowing that most of it is ATM equipment.</p> <p>Therefore, the aerodrome equipment should not be part of the aerodrome manual since lots of it is air traffic management equipment. Moreover, the pertinence of having a manual for aerodrome equipment in charge of the</p>

aerodrome operator is not proved and merits further debates.
Consequently:

- the first bullet of **GM1-ADR.AR.C.055 is to be deleted**
- Paragraph 4.3 of Part C of the content of the aerodrome manual of the proposed GM1-ADR.OR.E.010 — *Structure of the aerodrome manual* is to be deleted, all the more that outside the boundaries of the aerodrome, the aerodrome operator is no more competent;
- Paragraph 13 of Part E of the content of the aerodrome manual of the proposed GM1-ADR.OR.E.010 — *Structure of the aerodrome manual* is to be deleted

"ADR.OR.D.035 – Record-keeping

[...]

(d) [...]

(3) ~~manuals of aerodrome equipment or systems employed at the aerodrome, for as long as they are used at the aerodrome~~

[...]"

response *Noted*

The Agency will deal with the issue of the aerodrome equipment in a future rulemaking task; however the Agency has the view that the manuals of aerodrome equipment or systems employed at the aerodrome, should be maintained at the aerodrome.

comment

2747

comment by: *Aberdeen Airport Airside Operations*

(d) (1) delete "unlimited duration" and replace with "5 years"

Unlimited duration is too onerous a requirement

(d) (3) Add "safety" between "aerodrome" and "equipment"

There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems

(d) (7) and (8) Move to AMC

This level of detail belongs to AMC not as an IR

response *Partially accepted*

The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.

Moreover, the definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.

Finally, the Agency has included items (d)(7) and (d)(8) under the common 5 year retention period, while it has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.

comment	2762		comment by: TAG Farnborough Airport Ltd
	Para (d) (1) - Unlimited duration is too onerous. The period should be a maximum of 7 years.		
response	Noted		
	The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.		
comment	2766		comment by: LJL Airport - Liverpool John Lennon Airport
	ADR.OR.D.035(d)(1)	Delete "unlimited duration" and replace with 5 years	Unlimited duration is too onerous a requirement.
response	Noted		
	The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.		
comment	2767		comment by: LJL Airport - Liverpool John Lennon Airport
	ADR.OR.D.035(d)(3)	Add "safety" between "aerodrome" and "equipment"	There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.
response	Noted		
	The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.		
comment	2768		comment by: LJL Airport - Liverpool John Lennon Airport
	ADR.OR.D.035(d) (7) and (8)	Move to AMC	This level of detail belongs in AMC not as an IR.
response	Noted		
	The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.		
comment	2803		comment by: Vereinigung der Dienstleister an Deutschen Flughäfen e.V. (VDF)
	Manuals of aerodrome equipment or systems employed at the aerodrome should be kept. Unfortunately there is no definition what is understood by		

	aerodrome equipment or – even more difficult to define – an aerodrome system. Definitions should be given.								
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already contained in article (3) of the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.</p>								
comment	<p>2814 comment by: Billund Airport - BLL/EKBI</p> <p><i>Page 55 – ADR.OR.D.035 - Record-keeping, pkt. (d) (8) samt (e):</i> Such incidents are reported in BL 8-10 (Provisions for mandatory reporting of safety events, The Danish Transport Authority) and will probably be archived here for years?</p>								
response	<p><i>Noted</i></p> <p>The intent of the requirement is for the aerodrome operator to have available all such data related to its own aerodrome to be used for safety analysis purposes in the context of its safety management system. In any case the Agency has included this type of records under the 5-year retention period.</p>								
comment	<p>2828 comment by: Flughafen Klagenfurt</p> <p>(d) and (e) set duration of record keeping to a same value (i.e. 5 years)</p>								
response	<p><i>Partially accepted</i></p> <p>The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that the records mentioned in the other sub-paragraphs, due to their nature, need to be maintained for the period stipulated in the draft rules, which may go beyond the 5-year period.</p>								
comment	<p>2947 comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Référence: ADR.OR.D.035 (d) et (e)</td> <td>“Records shall be kept as follows [...] unless otherwise agreed with the competent authority.”</td> </tr> <tr> <td>Proposition/commentaire</td> <td>Ces dispositions devraient être des AMC.</td> </tr> <tr> <td>Justification</td> <td>Cette partie entre dans le cadre des trois paragraphes précédents et permet de les traiter.</td> </tr> <tr> <td>Traduction de courtoisie</td> <td>These provisions should be AMC. This section is part of the three preceding paragraphs and can treat them.</td> </tr> </table>	Référence: ADR.OR.D.035 (d) et (e)	“Records shall be kept as follows [...] unless otherwise agreed with the competent authority.”	Proposition/commentaire	Ces dispositions devraient être des AMC.	Justification	Cette partie entre dans le cadre des trois paragraphes précédents et permet de les traiter.	Traduction de courtoisie	These provisions should be AMC. This section is part of the three preceding paragraphs and can treat them.
Référence: ADR.OR.D.035 (d) et (e)	“Records shall be kept as follows [...] unless otherwise agreed with the competent authority.”								
Proposition/commentaire	Ces dispositions devraient être des AMC.								
Justification	Cette partie entre dans le cadre des trois paragraphes précédents et permet de les traiter.								
Traduction de courtoisie	These provisions should be AMC. This section is part of the three preceding paragraphs and can treat them.								

response	<i>Noted</i> The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.
comment	2973 comment by: <i>East Midlands Airport - EMA/EGNX</i> (d)(3) Add "safety" between "aerodrome" and "equipment" Justification: There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.
response	<i>Noted</i> The definition of the aerodrome equipment is already contained in article (3) of the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.
comment	2976 comment by: <i>East Midlands Airport - EMA/EGNX</i> (d)(7) & (8) Move to AMC Justification: This level of detail belongs in an AMC not in an IR
response	<i>Noted</i> The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.
comment	2978 comment by: <i>East Midlands Airport - EMA/EGNX</i> (D)(7) & (8) Comment: As this is a new requirement, will a level of lenience be given on these requirements until that many years of data can be built up?
response	<i>Noted</i> The intent of the requirement is for the aerodrome operator to have available all such data related to its own aerodrome to be used for safety analysis purposes in the context of its safety management system. In any case the Agency has included this type of records under the 5-year retention period.
comment	3034 comment by: <i>Norwich International Airport</i> ADR.OR.D.035(d)(1) Delete "unlimited duration" and replace with 5 years Unlimited duration is too onerous a requirement.
response	<i>Noted</i> The certification basis is the basis upon which the aerodrome is certified

and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.

comment 3036 comment by: *Norwich International Airport*
ADR.OR.D.035(d)(3)

Add "safety" between "aerodrome" and "equipment"

There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.

response *Noted*

The definition of the aerodrome equipment is already contained in article (3) of the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.

comment 3039 comment by: *Norwich International Airport*
ADR.OR.D.035(d) (7) and (8)

This level of detail belongs in AMC not as an IR.

response *Noted*

The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.

comment 3162 comment by: *Isavia*
ADR.OR.D.035(d)(3). Add "safety" between "aerodrome" and "equipment". There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.

response *Noted*

The definition of the aerodrome equipment is already contained in article (3) of the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task

comment 3190 comment by: *DAA Cork Airport*
(c) Amend sentence to read: "ensures protection from damage ..."

response *Accepted*

The Agency has amended the wording of the sentence.

comment 3191 comment by: *DAA Cork Airport*
(d) (1) - "Unlimited duration" is too onerous a requirement and should be

	replaced with a time bounded period such as 5 years.
response	<p><i>Noted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.</p>
comment	<p>3192 comment by: <i>DAA Cork Airport</i></p> <p>(d) (3) - Amend sentence to read: "aerodrome safety equipment" – There is no need for this requirement to apply to all equipment or systems at the aerodrome but should be specific to safety related equipment and systems.</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already contained in article (3) of the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.</p>
comment	<p>3281 comment by: <i>London Biggin Hill Airport</i></p> <p>ADR.OR.D.035 (d)(1) Delete "unlimited duration" and replace with 5 years, Unlimited duration is too onerous a requirement. (d)(3) Add "safety" between "aerodrome" and "equipment" There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems. (d)(7) and (8) Move to AMC, This level of detail belongs in AMC not as an IR.</p>
response	<p><i>Partially accepted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use. Moreover, the definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task. Finally, the Agency has included items (d)(7) and (d)(8) under the common 5-year retention period.</p>
comment	<p>3317 comment by: <i>Southampton Airport</i></p> <p>Under (d) 1 - "unlimited duration" too onerous. We would support a 5 year requirement.</p>
response	<p><i>Noted</i></p> <p>The certification basis is the basis upon which the aerodrome is certified and therefore it must be maintained, along with the certificate and the alternative means of compliance that the aerodrome operator has elected to use.</p>

comment	<p>3368 comment by: <i>ADV -German Airports Association</i></p> <p>ADR.OR.D.035 (7) (8) move "d)" and "e)" to AMC</p> <p>Justification: in order to be consistent with the original text proposal of the Rulemaking Group</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>3382 comment by: <i>MST / STR - Stuttgart Airport</i></p> <p>ADR.OR.D.035 (7) (8) move "d)" and "e)" to AMC</p> <p>Justification: in order to be consistent with the original text proposal of the Rulemaking Group</p>
response	<p><i>Noted</i></p> <p>The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>3483 ❖ comment by: <i>Fraport AG</i></p> <p>Annex II - Part- OR Subpart D</p> <p>General</p> <p>Fraport in general supports the reinforcement of SMS. Never the less a few comments will be made.</p>
response	<p><i>Noted</i></p>
comment	<p>3493 comment by: <i>Fraport AG</i></p> <p>ADR.OR.D.035 — Record-keeping (d) and (e)</p> <p>Editorial</p> <p>Complete paragraph(d) and (e)</p> <p>Move to AMC</p> <p>Fraport AG: in order to be consistent with the original text proposal of the Rulemaking Group</p>

response	<p><i>Noted</i></p> <p>The Agency has the view that such requirements should be at implementing rule level, as in other aviation areas, since they introduce requirements for the regulated organisations.</p>
comment	<p>3494 comment by: <i>Fraport AG</i></p> <p>ADR.OR.D.035 — Record-keeping (d) and (e)</p> <p>Editorial</p> <p>Complete paragraph (d) and (e)</p> <p>Use one common timeline – Fraport goes with the suggestion of ACI for 5 years</p> <p>Fraport AG: The time line by national law is actual 10 years, so the new suggestion should not exceed this duration. To keep the system simple, Fraport suggest the same timeline for all items mentioned under paragraph (d) and (e).</p>
response	<p><i>Partially accepted</i></p> <p>The Agency has included items (d)(7) and (d)(8) under the common 5 year retention period. However, the Agency has the view that the records mentioned in the other sub-paragraphs, due to their nature, need to be maintained for the period stipulated in the draft rules, which may go beyond the 5-year period.</p>
comment	<p>3495 comment by: <i>Fraport AG</i></p> <p>ADR.OR.D.035 - Record-keeping (d) (3)</p> <p>Editorial</p> <p>manuals of aerodrome equipment or systems employed at the aerodrome, for as long as they are used at the aerodrome;</p> <p>Proposed Text manuals of aerodrome safety equipment or systems employed at the aerodrome, for as long as they are used at the aerodrome;</p> <p>Fraport AG: There is no need for this to apply to all equipment or systems at the aerodrome, but should be specific to safety related equipment and systems.</p>
response	<p><i>Noted</i></p> <p>The definition of the aerodrome equipment is already contained in the Basic Regulation, while the Agency will deal with the issue of the aerodrome equipment in a future rulemaking task.</p>

ANNEX II - Part-OR - ADR.OR.E.005 — Aerodrome manual

p. 56-57

comment	17 comment by: <i>Finnish Transport Safety Agency</i> (l) Electronic form is sufficient
response	<i>Partially accepted</i> Electronic format of the aerodrome manual is a possibility that is already given in the draft rule.
comment	43 comment by: <i>ACI EUROPE - Airports Council International</i> add after ".ensure that all" "RELEVANT" aerodrome personnel.."
response	<i>Noted</i> Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual
comment	226 comment by: <i>SWISS AERODROMES ASSOCIATION</i> at (d), "all personnel" should be replaced by "all <u>relevant</u> personnel"
response	<i>Noted</i> Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual
comment	309 comment by: <i>BAA Airside operations</i> (d) Add "relevant" between "all" and "aerodrome personnel" This should be specific to relevant personnel only, not all personnel.
response	<i>Noted</i> Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual
comment	361 comment by: <i>Danish Transport Authority</i> (j) (4) The structure of the rules and cross reference system used in this

	regulation makes the documents complex and comprehensive to read. The documents should follow the same principles as the requirements to the operators aerodrome manual lined out about organised in a manner that facilitates its preparation, use and review. An example is the RESA section.
response	<p><i>Noted</i></p> <p>The Agency agrees that the rules should be written in a manner that is easy to read and understand. The Agency tries to implement this principle as much as practicable, within the present legal framework.</p>
comment	<p>419 comment by: <i>Edinburgh Airport</i></p> <p>ADR.OR.E.005 (d) Add "relevant" between "all" and "aerodrome personnel"</p> <p>Justification - This should be specific to relevant personnel only, not all personnel.</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel.... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>
comment	<p>471 comment by: <i>Avinor</i></p> <p>ADR.OR.E.005 (d). Add "relevant" after "..ensure that all" and before "aerodrome personnel.."</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel.... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>
comment	<p>596 comment by: <i>Flughafen Düsseldorf GmbH</i></p> <p>d) Die Formulierung ist hier zu weit gefasst. Die Zugangsberechtigung bzw. Zugriffsberechtigung sollten auf alle relevanten Personengruppen beschränkt sein, um unnötigen Aufwand zu vermeiden.</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel.... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>

	<p>all relevant aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties." All staff at the airport is not affected by the aerodrome manual, which implies only those who may have an impact on safety (the accounting department, for example, should not be concerned).</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>
comment	<p>1049 comment by: <i>Dublin Airport Authority</i></p> <p>Ref (j)-(4)</p> <p>Sample guidance material should be provided by EASA and the competent authority detailing how this would be demonstrated and facilitated within an aerodrome manual.</p>
response	<p><i>Noted</i></p> <p>Annex 14 contains a definition of Human Factors principles which is: "<i>Principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human Performance</i>".</p> <p>The Agency considers that the draft AMC that is associated with this requirement is an acceptable means of compliance with regard to facilitation, review and use of an aerodrome manual. However, with regard to the use of human factors principles further guidance is contained in ICAO Doc 9683.</p>
comment	<p>1164 comment by: <i>ADP : Aeroports de Paris</i></p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p>"An aerodrome operator shall ensure that all aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties."</p> </div> <p>Référence: ADR.OR.E.005 (d)</p> <p>Proposition/commentaire</p>

Il convient de modifier de la manière suivante: "An aerodrome operator shall ensure that all **relevant** aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties."

Justification

Tout le personnel de l'aérodrome n'est pas concerné par le manuel d'aérodrome, qui n'implique que ceux qui pourraient avoir un impact sur la sécurité (le service comptabilité, par exemple, ne devrait pas être concerné).

Traduction de courtoisie

Should be amended as follows: "An aerodrome operator shall ensure that all **relevant** aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties."

All staff at the airport is not affected by the aerodrome manual, which implies only those who may have an impact on safety (the accounting department, for example, should not be concerned).

response *Noted*

Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment

1177

comment by: *DGAC Direction Générale de l'aviation civile*

1. Affected paragraphs

- ANNEX II — Part-OR — ADR.OR.E.005 — Aerodrome manual (p56-57)
- ANNEX II — Part-OR — ADR.OR.E.010 — Structure of the aerodrome manual (p57-58)
- AMC/GM to ANNEX II — Part-OR — AMC1-ADR.OR.E.005 — Aerodrome manual (p109)
- AMC/GM to ANNEX II — Part-OR — AMC2-ADR.OR.E.005 —

- Aerodrome manual (p109-114)
- AMC/GM to ANNEX II — Part-OR — GM1-ADR.OR.E.010 — Aerodrome manual (p114-115)
- AMC/GM to ANNEX II — Part-OR — GM2-ADR.OR.E.005 — Structure of the aerodrome manual (p114-115)

2. Justification and proposed text / comment

This comment is linked with comment 905 in book I.

• ADR.OR.E.010 — Structure of the aerodrome manual

This rule lays down the structure of the aerodrome manual. DGAC proposes to indicate that flexibility in the order of the part is possible (see proposition below).

ADR.OR.E.010 — Structure of the aerodrome manual

"The aerodrome manual shall contain or refer to all necessary information for the safe use, operation and maintenance of the aerodrome, its equipment, as well as its defined obstacle limitation surfaces and other surfaces. The main structure of the aerodrome manual shall ~~be as follows~~ include at least the following parts (the parts may be in a different order):

- (a) Part A: General;
- (b) Part B: Aerodrome management, safety management system, qualification and training requirements;
- (c) Part C: Particulars of the aerodrome site;
- (d) Part D: Particulars of the aerodrome required to be reported to the Aeronautical Information Service; and
- (e) Part E: Particulars of the operating procedures of the aerodrome, its equipment and safety measures."

• AMC1-ADR.OR.E. 005 – Aerodrome manual

This AMC deals with the structure of the aerodrome manual, so should be attached to ADR.OR.E.010 and not to ADR.OR.E. 005.

As written, paragraph (e) of this AMC should be in GM. It is proposed to move it to the proposed *GM1-ADR.OR.E.010 — Structure of the aerodrome manual* (see below).

Moreover, an aerodrome has not systematically an equipment manual which is more ATC's task. See DGAC's comment on equipment.

AMC1-ADR.OR.E.00510 – Structure of the aerodrome manual

"[...]

~~(e) The aerodrome manual may contain parts of, or refer to other controlled documents, such as aerodrome equipment manual, which are available at the aerodrome for use by the personnel"~~

• ADR.OR.E.005 and AMC2-ADR.OR.E.005 —Aerodrome manual

* This AMC deals with the structure of the aerodrome manual, so should be attached to ADR.OR.E.010 and not to ADR.OR.E.005.

* The mentioned content of the aerodrome manual is extremely detailed and there is a strong risk that it may not be adapted to all aerodromes originations.

The AMC should instead lay down the principles for the writing of the manual and the GM should provide detailed information such as the one proposed by the current AMC2-ADR.OR.E.005.

DGAC proposes thus to mention only general principles in AMC2: see below the proposed AMC2-ADR.OR.E.010, and to put the current content of AMC2-ADR.OR.E.005 to GM named "*GM1-ADR.OR.E.010 — Structure of the aerodrome manual*" (see below).

* The current content of AMC2-ADR.OR.E.005 is not consistent with the

rule it is attached to. In particular, the titles of the parts are different from ADR.OR.E.010: see below the modifications of the proposed GM1-ADR.OR.E.010 — Structure of the aerodrome manual.

* The future content of the proposed *GM1-ADR.OR.E.010 — Structure of the aerodrome manual* is to be harmonized with other comments detailed by DGAC in other comments on other subjects such as apron management services or equipment manual.

* In order to be consistent with the RFF requirements and terminology laid down in part OPS of the NPA, paragraph 4.4 of part C and paragraph 6.12 of part D of the proposed content of the manual should be use the terminology "level of protection" instead of "category".

* Paragraph 2.2.9 is related to emergency response planning which is already dealt with and even more detailed in paragraph 9 of part E of the proposed content of the manual.

Finally, as written, paragraph (c) of *ADR.OR.E.005 — Aerodrome manual* should be moved to GM, in particular because separating parts of the manual should remain just a possibility since it may be confusing.

Thus the following proposed modifications:

ADR.OR.E.005 — Aerodrome manual

"[...] ~~(c) The aerodrome manual may be issued in separate parts.~~ [...]"

AMC2-ADR.OR.E.010 — Structure of the aerodrome manual

"The aerodrome should include at least the following information :

- description of aerodrome infrastructure, services and facilities,
- operating procedures,
- management systems, including safety, quality and security management and compliance monitoring function,
- any restriction on aerodrome availability.

It should identify the safety accountability for each domain or activity described."

AMC2-GM1-ADR.OR.E.00510 — Structure of the aerodrome manual

"(a) The aerodrome manual may be issued in separate parts.

(b) The aerodrome manual may contain parts of, or refer to other controlled documents of the aerodrome operator, which are available at the aerodrome for use by the personnel.

(c) The aerodrome manual should include at least the following information:

"[...]"

B. PART B — AERODROME ADMINISTRATION MANAGEMENT, SAFETY MANAGEMENT SYSTEM, **QUALIFICATION AND TRAINING REQUIREMENTS** INCLUDING SAFETY, AND QUALITY AND SECURITY MANAGEMENT FOR AERONAUTICAL DATA AND AERONAUTICAL INFORMATION PROVISION ACTIVITIES

"[...]"

2.2.9 emergency response planning;

"[...]"

C. PART C — PARTICULARS OF THE AERODROME SITE

"[...]"

4.4 description of the physical characteristics of the aerodrome, elevations, visual and non-visual aids, as well as the information regarding the aerodrome reference temperature, strength of pavements, rescue and

fire fighting level of protection, ground aids and main obstacles;

[...]

D. PART ~~€~~ **D** — PARTICULARS OF THE AERODROME REQUIRED TO BE REPORTED TO THE AERONAUTICAL INFORMATION SERVICE

[...]

6.7 the geographical coordinates and the top elevation of significant obstacles in the approach and take-off areas, in the circling area and in the vicinity surroundings of the aerodrome;

[...]

6.12 category level of protection of rescue and fire fighting; and

[...]

~~E. PART ~~Ɔ~~ **E** — PARTICULARS OF THE AERODROME—OPERATING PROCEDURES AND SAFETY MEASURES—OPERATING PROCEDURES OF THE AERODROME, ITS EQUIPMENT AND SAFETY MEASURES~~

[...]

9. Aerodrome emergency plan including:

9.1 dealing with emergencies at the aerodrome or in its vicinity surroundings;

[...]

28. Procedures for the protection of radar and other navigational aids, control of activities, and ground maintenance in the vicinity surroundings of these installations.

[...]"

· GM1-ADR.OR.E.010 — Aerodrome manual and GM2-ADR.OR.E.005 — Structure of the aerodrome manual

GM1 deals with the aerodrome manual in general, so should be attached to OR.E.005 instead of OR.E.010.

GM2 deals with the Structure of the aerodrome manual, so should be attached to OR.E.010 instead of OR.E.005

Moreover, editorial improvements are proposed (see DGAC's general comment on the goal and writing of guidance materials).

~~GM1-ADR.OR.E.010~~ 005 — Aerodrome manual

"FORM OF THE AERODROME MANUAL

[...] *The reader of an aerodrome manual ~~should~~ **may** be given a clear statement of how safety is developed, managed and maintained on the aerodrome. [...]"*

~~GM2-ADR.OR.E.005~~ 010 — Structure of the aerodrome manual

"PURPOSE AND SCOPE OF THE AERODROME MANUAL

*An efficient management structure and a systematic approach to aerodrome operation is essential. The aerodrome manual ~~should~~ **may** contain all the relevant information to describe this structure satisfactorily. It is one of the means by which all aerodrome operating staff can be informed as to their duties and responsibilities with regard to safety. It ~~should~~ **may** describe the aerodrome infrastructure, services and facilities, all operating procedures, and any restrictions on aerodrome availability.*

*Accountability for safety must start at the very top of any organisation. One of the key elements in establishing safe working practices is the 'top down' approach where all staff ~~should~~ **may** understand the safety aims of the organisation, the chain of command, and their own responsibilities and accountabilities. As safety management principles are applied, the aerodrome manual ~~should~~ **may** be expanded to describe clearly how the safety of operations is to be managed. To a reader or user of the aerodrome manual there ~~should~~ **may** never be any doubt in terms of*

'safety accountability' for each domain or activity described. Each section ~~should~~ **may** define who is accountable, who is responsible, who has the authority, who has the expertise and who actually carries out the tasks described in any section.

The principle objective of an aerodrome manual ~~should~~ **may** be to show how management will accomplish its safety responsibilities. The manual will set out the policy and expected standards of performance and the procedures by which they will be achieved.

The aerodrome operator ~~should~~ **may** ensure that:

- the responsibilities of the aerodrome operator are clearly described;
- the tasks and activities that are to be done by the aerodrome operator or its subcontractors are listed;
- the means and procedures in order to complete these tasks and activities are described or appended, together with the necessary details on their frequencies and operating modes.

Where responsibilities are attributed to other stakeholders, the aerodrome manual ~~should~~ **may** clearly identify them."

response

Noted

The Agency understand that the comment related to this particular draft requirement was to delete a paragraph, that is the paragraph that foresees that the aerodrome manual may be issued in separate parts and move the text into guidance material. However, the Agency has the view that the text is more appropriate to remain at implementing rule level, while there is no impact on either side (authority or aerodrome operator)

comment

1210

comment by: *Swedish Regional Airport Association*

Approved by the accountable manager is better than signed. The aerodrome manual can be electronic.

response

Noted

With regard to issue of the approval or signature of the aerodrome manual by the accountable manager, the Agency has the view that this is an internal issue of the aerodrome operator. In any case, the relevant AMC states that the aerodrome operator should indicate in the aerodrome manual itself who has the authority to amend it. With regard to the aerodrome manual format, this is a possibility that is already given in the draft rule.

comment

1221

comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.E.005 (d)	Add "relevant" between "all" and "aerodrome personnel"	This should be specific to relevant personnel only, not all personnel.
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response

Noted

Paragraph (d) of the article foresees that "all aerodrome personnel.... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment	1286	comment by: <i>Blackpool Airport - BLK/EGNH</i>
	ADR.OR.E.005 (d) : Add "relevant" between "all" and "aerodrome personnel". This should be specific to relevant personnel only, not all personnel.	
response	<i>Noted</i>	
	Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual	
comment	1366	comment by: <i>Gatwick Airport Ltd</i>
	(d) Add "relevant" between "all" and "aerodrome personnel" Justification This should be specific to relevant personnel only, not all personnel.	
response	<i>Noted</i>	
	Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual	
comment	1367	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	ADR.OR.E.005 e (1): The aerodrome manual must be approved by the authority. Unless the authority approves the aerodrome manual, the NAA takes the responsibility for its content. FOCA suggest the wording "agree to".	
response	<i>Noted</i>	
	The draft regulation contains already the following definition of the term approval: "'Approved (by the competent authority)' means formally agreed or authorised by the competent authority"	
comment	1393	comment by: <i>Cologne/Bonn Airport</i>
	(d):.. "relevant" aerodrome personnel and ...	
response	<i>Noted</i>	
	Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their	

duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 1402 comment by: Zürich Airport
The wording "may" in paragraph (c) doesn't reflect the bindingness of IRs. Move it into an AMC or delete it completely to avoid any confusion.

response *Noted*
An implementing rules does not need to always contain the verb "shall". This is particularly true when the intent of the rule is to give an option to the regulated person. This exactly the case of paragraph (c)

comment 1479 comment by: Aéroport de Marseille - MRS/LFML
Should be amended as follows: "An aerodrome operator shall ensure that all **relevant** aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual tat are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties."

response *Noted*
Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 1598 comment by: Euroairport Bâle-Mulhouse
Attachment [#242](#)
Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OR.E.005 (d)

Référence: ADR.OR.E.005 (d)
"An aerodrome operator shall ensure that all aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual tat are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties."

Traduction de courtoisie
Should be amended as follows: "An aerodrome operator shall ensure that all **relevant** aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual tat are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties."
All staff at the airport is not affected by the aerodrome manual, which implies only those who may have an impact on safety (the accounting department, for example, should not be concerned).

response *Noted*

Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 1698 comment by: *Swedish Transport Agency*
It is better to declare that the competent authority should "accept" the airport manual.

response *Noted*
The draft regulation contains already the following definition of the term approval: "*Approved (by the competent authority)*" means formally agreed or authorised by the competent authority"

comment 1717 comment by: *ECA - European Cockpit Association*
Comment on (d):
It should be made clear that national / local pilots' associations must have easy access to aerodrome manuals of all aerodromes within their region / country.
Furthermore, ECA should have easy access to all European aerodrome manuals.

Justification:
Easy access to respective aerodrome manuals is essential to perform LRST / ALR work aiming to improve aerodrome safety.
This information is also needed to identify issues concerning safety and brief pilots as necessary.

response *Noted*
The draft rules foresee that the relevant part of the aerodrome manual should be accessible to all relevant personnel.

comment 1753 comment by: *CAA Norway*
We suggest to insert "relevant" between "all" and "aerodrome personnel" in ADR.OR.E.005- (d). This should be specific to relevant personnel only, not all personnel.

response *Noted*
Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 1787 comment by: *Assaeroporti - Associazione Italiana Gestori Aeroporti*

	(d) we suggest to add "... ensure that all RELEVANT aerodrome personnel...".
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>
comment	<p>1903 comment by: <i>Birmingham Airport - BHX/EGBB</i></p> <p>(d) insert 'Relevant' in front of 'Aerodrome Personnel' on the first line of the paragraph</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>
comment	<p>1929 comment by: <i>Stansted Airport</i></p> <p>ADR.OR.E.005 (d)</p> <p>Add "relevant" between "all" and "aerodrome personnel"</p> <p>This should be specific to relevant personnel only, not all personnel.</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>
comment	<p>1995 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>ADR.OR.E.005 (d) - Add the word "relevant" after "...ensure that all relevant aerodrome personnel...". Not all personnel needs to receive this documentation as it may not be relevant for their work (i.e. administration personnel, finance, marketing, etc...).</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be</p>

given access to the manual

comment 2049 comment by: *Airport Operators Association*
ADR.OR.E.005 (d) Add "relevant" between "all" and "aerodrome personnel"
Justification - This should be specific to relevant personnel only, not all personnel.

response *Noted*
 Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 2176 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*
 Attachment [#243](#)
 UAF NPA 2011-20 (B.I) ADR.OR.E.005 (d)
 Référence: ADR.OR.E.005 (d)
 "An aerodrome operator shall ensure that all aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual tat are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties."

Traduction de courtoisie
 Should be amended as follows: "An aerodrome operator shall ensure that all **relevant** aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual tat are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties."
 All staff at the airport is not affected by the aerodrome manual, which implies only those who may have an impact on safety (the accounting department, for example, should not be concerned).

response *Noted*
 Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 2190 comment by: *CAA CZ*
 Comment by Karlovy Vary airport
 We proposed modified wording of following paragraph :
 ADR.OR.E.005 — Aerodrome manual
 (g) The aerodrome operator shall:
 (2) Incorporate all amendments and revisions which have been agreed

	implies only those who may have an impact on safety (the accounting department, for example, should not be concerned).
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>
comment	<p>2250 comment by: <i>Birmingham Airport - BHX/EGBB</i></p> <p>(d) Insert the word 'relevant' between 'all' and 'aerodrome' - all personnel is too general</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>
comment	<p>2252 comment by: <i>Birmingham Airport - BHX/EGBB</i></p> <p>(i) (2) This responsibility must be shared with the companies that work at an airport and should be changed to read: (i) (2) companies operating airside have systems in place to check that all personnel in their employment are able to read and understand the language in which those parts of the aerodrome manual pertaining to their duties and responsibilities are written.</p>
response	<p><i>Noted</i></p> <p>This requirement emanates from the content of Section B of Annex Va of the Basic Regulation, where it is stated that the responsibility for ensuring compliance with the essential requirements is with the aerodrome operator.</p>
comment	<p>2324 comment by: <i>Munich Airport International</i></p> <p>(d)</p> <p>ad after "..ensure that all" "RELEVANT" aerodrome personnel.."</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>

comment	2329 comment by: Pau Pyrénées Airport - PUF/LFBP
	<p>Should be amended as follows: "An aerodrome operator shall ensure that all relevant aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties."</p> <p>All staff at the airport is not affected by the aerodrome manual, which implies only those who may have an impact on safety (the accounting department, for example, should not be concerned).</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>
comment	2442 comment by: Turin Airport - TRN/LIMF
	<p>(d) we suggest to add "... ensure that all RELEVANT aerodrome personnel...".</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>
comment	2542 comment by: Shannon Airport
	<p>(j) 4 Sample guidance material should be provided by EASA and the competent authority detailing how this would be demonstrated</p>
response	<p><i>Noted</i></p> <p>Annex 14 contains a definition of Human Factors principles which is: "<i>Principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human Performance</i>".</p> <p>The Agency considers that the draft AMC that is associated with this requirement is an acceptable means of compliance with regard to facilitation, review and use of an aerodrome manual. However, with regard to the use of human factors principles further guidance is contained in ICAO Doc 9683.</p>
comment	2638 comment by: Infratil Airports Europe Ltd

	<p>Page No: 56</p> <p>Paragraph No: ADR.OR.E.005 (d)</p> <p>Comment This should be specific to relevant personnel only, not all personnel. Add "relevant" between "all" and "aerodrome personnel".</p> <p>Also, Aerodrome Operators only have limited control over third party access to manuals. Suggestion is to add "as far as is practicable" after "other relevant organisations personnel".</p>
response	<p><i>Not accepted</i></p> <p>With regard to the access of aerodrome personnel to the aerodrome manual, Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual.</p> <p>With regard to the 2nd suggestion, that is for third parties to have limited access to the content of the aerodrome manual, the Agency does not share this view. The draft rule refers only to the "relevant parts" of the manual, and in any case this access is to be given for safety purposes.</p>
comment	<p>2639 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 56</p> <p>Paragraph No: ADR.OE.D.005 (f)</p> <p>Comment IAEL supports this approach. Safety critical changes must be able to be implemented immediately where necessary without prior approval.</p>
response	<p><i>Noted</i></p>
comment	<p>2640 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No: 57</p> <p>Paragraph No: ADR.OR.E.005</p> <p>Comment An additional bullet point should be added regarding distribution of the Manual.</p> <p>Proposed Text: The Aerodrome Operator shall ensure that a process exists to ensure that the aerodrome manual is distributed upon amendment to all aerodrome operations staff and all other relevant organisations.</p>
response	<p><i>Accepted</i></p> <p>The text has been reworded to reflect the spirit of the proposal.</p>

comment	<p>2748 comment by: <i>Aberdeen Airport Airside Operations</i></p> <p>(d) Add "relevant" between "all" and "aerodrome personnel"</p> <p>This should be specific to relevant personnel only, not all personnel</p>			
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>			
comment	<p>2769 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i></p> <table border="1" data-bbox="383 806 1396 918"> <tr> <td data-bbox="383 806 606 918">ADR.OR.E.005 (d)</td> <td data-bbox="606 806 981 918">Add "relevant" between "all" and "aerodrome personnel"</td> <td data-bbox="981 806 1396 918">This should be specific to relevant personnel only, not all personnel.</td> </tr> </table>	ADR.OR.E.005 (d)	Add "relevant" between "all" and "aerodrome personnel"	This should be specific to relevant personnel only, not all personnel.
ADR.OR.E.005 (d)	Add "relevant" between "all" and "aerodrome personnel"	This should be specific to relevant personnel only, not all personnel.		
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>			
comment	<p>2796 comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i></p> <p>It is better to declare that the competent authority should "accept" the airport manual.</p> <p>(j)(1) Approved by the accountable manager is better than signed. The aerodrome manual can be electronic.</p>			
response	<p><i>Noted</i></p> <p>The draft regulation contains already the following definition of the term approval: "<i>Approved (by the competent authority)</i>" means formally agreed or authorised by the competent authority". With regard to issue of the approval or signature of the aerodrome manual by the accountable manager, the Agency has the view that this is an internal issue of the aerodrome operator. In any case, the relevant AMC states that the aerodrome operator should indicate in the aerodrome manual itself who has the authority to amend it.</p>			
comment	<p>2948 comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i></p> <table border="1" data-bbox="383 1915 1396 2027"> <tr> <td data-bbox="383 1915 790 2027">Référence: ADR.OR.E.005 (d)</td> <td data-bbox="790 1915 1396 2027">"An aerodrome operator shall ensure that all aerodrome personnel and all other relevant organisation's personnel have easy</td> </tr> </table>	Référence: ADR.OR.E.005 (d)	"An aerodrome operator shall ensure that all aerodrome personnel and all other relevant organisation's personnel have easy	
Référence: ADR.OR.E.005 (d)	"An aerodrome operator shall ensure that all aerodrome personnel and all other relevant organisation's personnel have easy			

	access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties.”
Proposition/commentaire	Il convient de modifier de la manière suivante: “An aerodrome operator shall ensure that all relevant aerodrome personnel and all other relevant organisation’s personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties.”
Justification	Tout le personnel de l’aérodrome n’est pas concerné par le manuel d’aérodrome, qui n’implique que ceux qui pourraient avoir un impact sur la sécurité (le service comptabilité, par exemple, ne devrait pas être concerné).
Traduction de courtoisie	Should be amended as follows: “An aerodrome operator shall ensure that all relevant aerodrome personnel and all other relevant organisation’s personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties.” All staff at the airport is not affected by the aerodrome manual, which implies only those who may have an impact on safety (the accounting department, for example, should not be concerned).

response *Noted*

Paragraph (d) of the article foresees that “all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties”. Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment *3011* comment by: *East Midlands Airport - EMA/EGNX*
(d) Add “relevant” between “all” and “aerodrome personnel”
Justification: Specific to relevant personnel only, not all personnel.

response *Noted*

Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 3043 comment by: *Norwich International Airport*
ADR.OR.E.005 (d)

Add "relevant" between "all" and "aerodrome personnel"

This should be specific to relevant personnel only, not all personnel.

response *Noted*

Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 3164 comment by: *Isavia*
ADR.OR.E.005 (d). Add "relevant" after "..ensure that all" and before "aerodrome personnel.."

response *Noted*

Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 3203 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*
(d) all **relevant** aerodrome personnel

response *Noted*

Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 3224 comment by: *DAA Cork Airport*

(j) (4) - Sample guidance material should be provided by EASA and the competent authority detailing how this would be demonstrated and facilitated within an aerodrome manual.

response	<p><i>Noted</i></p> <p>Annex 14 contains a definition of Human Factors principles which is: "Principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human Performance".</p> <p>The Agency considers that the draft AMC that is associated with this requirement is an acceptable means of compliance with regard to facilitation, review and use of an aerodrome manual. However, with regard to the use of human factors principles further guidance is contained in ICAO Doc 9683.</p>
comment	<p>3248 comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i></p> <p>Attachment #245</p> <p>SEARD NPA 2011-20 (B.I) ADR.OR.E.005 (d)</p> <p>Référence: ADR.OR.E.005 (d) "An aerodrome operator shall ensure that all aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties."</p> <p>Traduction de courtoisie Should be amended as follows: "An aerodrome operator shall ensure that all relevant aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties." All staff at the airport is not affected by the aerodrome manual, which implies only those who may have an impact on safety (the accounting department, for example, should not be concerned).</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel.... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual</p>
comment	<p>3286 comment by: <i>London Biggin Hill Airport</i></p> <p>ADR.OR.E.005 (d) Add "relevant" between "all" and "aerodrome personnel" This should be specific to relevant personnel only, not all personnel.</p>
response	<p><i>Noted</i></p> <p>Paragraph (d) of the article foresees that "all aerodrome personnel.... shall</p>

have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 3289 comment by: CAA SR

Proposal:

(i) The aerodrome operator shall ensure that:

(1) the aerodrome manual is written in a language acceptable to the competent authority; and

(2) all personnel are able to read and understand the language in which those parts of the aerodrome manual **and other operational documents /manuals** pertaining to their duties and responsibilities are written.

Argument:

Aerodrome operator usually uses many different manuals (operational and maintenance manuals) which might be in different languages.

response *Partially accepted*

The Agency has amended the text so that it covers the case of other operational documents too.

comment 3319 comment by: DAA Cork Airport

(j) (4) Sample guidance material should be provided by EASA and the competent authority detailing how this would be demonstrated and facilitated within an aerodrome manual.

response *Noted*

Annex 14 contains a definition of Human Factors principles which is: "*Principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human Performance*".

The Agency considers that the draft AMC that is associated with this requirement is an acceptable means of compliance with regard to facilitation, review and use of an aerodrome manual. However, with regard to the use of human factors principles further guidance is contained in ICAO Doc 9683.

comment 3369 comment by: ADV -German Airports Association

ADR.OR.E.005 (d)

ad after "...ensure that all" "RELEVANT" aerodrome personnel.."

response *Noted*

Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual

that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 3383 comment by: MST / STR - Stuttgart Airport

ADR.OR.E.005 (d)

ad after "..ensure that all" "RELEVANT" aerodrome personnel.."

response *Noted*

Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

comment 3496 comment by: Fraport AG

ADR.OR.E.005 — Aerodrome manual (d)

Editorial

An aerodrome operator shall ensure that **all aerodrome** personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties.

Proposed Text

An aerodrome operator shall ensure that **all relevant aerodrome personnel** and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties.

Fraport AG:
This should be specific to relevant personnel only, not all personnel.

response *Noted*

Paragraph (d) of the article foresees that "all aerodrome personnel... shall have access to the portions of the manual that are relevant to their duties". Therefore, the requirement does not require such access to be given to irrelevant aerodrome personnel. It is the content of the manual that will in fact be used as a criterion for deciding which persons shall be given access to the manual

ANNEX II - Part-OR - ADR.OR.E.010 — Structure of the aerodrome manual

p. 57-58

comment 135 comment by: CAA Norway

The content of ADR.OR.E.010 (a) to (e) on page 57 to 58 is covered in AMC2.ADR.OR.E.005. We suggest to delete all after "surfaces." or to move

		these points to AMC.
response	<i>Noted</i>	The structure and the content of the relevant parts of the AMC are based on these requirements. Therefore they cannot be removed.
comment	194	comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i> Move to Guidance Material. Do not make a structure mandatory. It's better to specify what the manual must contain, not how it should be structured.
response	<i>Noted</i>	The structure and the content of the chapters of the AMC are based on these requirements and therefore they cannot be removed. Moreover, the overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.
comment	200	comment by: <i>Zürich Airport</i> Please move this paragraph to an AMC. We have implemented the structure of the aerodrome manual according to ICAO Doc 9774. Structure is different.
response	<i>Noted</i>	The structure and the content of the chapters of the AMC are based on these requirements and therefore they cannot be removed. Moreover, the overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.
comment	310	comment by: <i>BAA Airside operations</i> Propose additional sentence "The safety management system may be described in a separate manual" Some airports already have a separate SMS Manual and it is our view that this should be able to continue.
response	<i>Noted</i>	The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that "It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual".
comment	317	comment by: <i>CAA Austria - Ministry of Transport</i> Adopt the structures of ICAO Doc 9774 Manual on Certification of aerodromes – Appendix 1
response	<i>Noted</i>	

The overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.

comment	362	comment by: <i>Danish Transport Authority</i>
	<p>The text from "the main structure of" and following items (a), (b), (c), (d) and (e) shall be moved to the AMC. To ensure that the aerodrome operator can use the aerodrome manual in the daily routines of operating the aerodrome, it is essential that the operator have ownership and complete control of the structure of the manual. Also to preserve the intentions under ADR.OR.E.005 (j) (4).</p>	
response	<i>Noted</i>	
	<p>The structure and the content of the chapters of the AMC are based on these requirements and therefore they cannot be removed. Moreover, the overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.</p>	
comment	420	comment by: <i>Edinburgh Airport</i>
	<p>ADR.OR.E.010 - Propose additional sentence " The safety management system may be described in a separate manual" Justification - Edinburgh Airport already have a separate SMS manual and it is our view this should be able to continue.</p>	
response	<i>Noted</i>	
	<p>The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that "<i>It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual</i>".</p>	
comment	608	comment by: <i>Vienna International Airport</i>
	<p>Adopt the structures of ICAO Doc 9774 Manual on Certification of aerodromes – Appendix 1</p>	
response	<i>Noted</i>	
	<p>The overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.</p>	
comment	630	comment by: <i>Flughafen Düsseldorf GmbH</i>
	<p>e) Was ist mit "safety measures" gemeint? Wenn hier an spezifische Safetymaßnahmen gedacht wurde, gehören diese sicherlich nicht in ein Aerodrome Manual.</p>	
response	<i>Noted</i>	
	<p>Details are provided in the related AMC.</p>	

comment	<p>670 comment by: <i>Exeter International Airport</i></p> <p>ADR.OR.E.010 ; Exeter Airport proposes that an additional sentence "The safety management system may be described in a separate manual". Some airports including Exeter already have a separate SMS Manual and it is our view that this should be able to continue.</p>
response	<p><i>Noted</i></p> <p>The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that "<i>It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual</i>".</p>
comment	<p>685 comment by: <i>Belfast International Airport - BFS/EGAA</i></p> <p>Propose additional sentence "The safety management system may be described in a separate manual" Most airports have a separate SMS Manual already issue.</p>
response	<p><i>Noted</i></p> <p>The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that "<i>It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual</i>".</p>
comment	<p>696 comment by: <i>Brussels Airport - BRU/EBBR</i></p> <p>ADR.OR.E.005(c) & ADR.OR.E.010 & AMC2-ADR.OR.E.005</p> <p>To line up the text unequivocally in these 3 paragraphs</p> <p>ADR.OR.E.005(c) states : "The aerodrome manual <u>may be issued</u> in separate parts."</p> <p>ADR.OR.E.010 states : "The main structure of the aerodrome manual <u>shall be as follows</u> : ..."</p> <p>AMC2-ADR.OR.E.005 states : "The aerodrome manual <u>should include</u> at least the following information : ", which is then followed by the same structure in Parts A through E as mentioned in ADR.OR.E.010.</p> <p>I'd like to see the text (vocabulary) lined up in these 3 paragraphs.</p>
response	<p><i>Noted</i></p> <p>The various verbs used reflect the different cases that have to be dealt with. Thus, AMC is associated with the verb "should", the verb "may" signifies an option and the verb "shall" implies an obligation.</p>
comment	<p>1177 ❖ comment by: <i>DGAC Direction Générale de l'aviation civile</i></p>

1. Affected paragraphs

- ANNEX II – Part-OR – ADR.OR.E.005 – Aerodrome manual (p56-57)
- ANNEX II – Part-OR – ADR.OR.E.010 – Structure of the aerodrome manual (p57-58)
- AMC/GM to ANNEX II – Part-OR – AMC1-ADR.OR.E.005 – Aerodrome manual (p109)
- AMC/GM to ANNEX II – Part-OR – AMC2-ADR.OR.E.005 – Aerodrome manual (p109-114)
- AMC/GM to ANNEX II – Part-OR – GM1-ADR.OR.E.010 – Aerodrome manual (p114-115)
- AMC/GM to ANNEX II – Part-OR – GM2-ADR.OR.E.005 – Structure of the aerodrome manual (p114-115)

2. Justification and proposed text / comment

This comment is linked with comment 905 in book I.

• ADR.OR.E.010 – Structure of the aerodrome manual

This rule lays down the structure of the aerodrome manual. DGAC proposes to indicate that flexibility in the order of the part is possible (see proposition below).

ADR.OR.E.010 – Structure of the aerodrome manual

"The aerodrome manual shall contain or refer to all necessary information for the safe use, operation and maintenance of the aerodrome, its equipment, as well as its defined obstacle limitation surfaces and other surfaces. The main structure of the aerodrome manual shall ~~be as follows~~ include at least the following parts (the parts may be in a different order):

- (a) Part A: General;
- (b) Part B: Aerodrome management, safety management system, qualification and training requirements;
- (c) Part C: Particulars of the aerodrome site;
- (d) Part D: Particulars of the aerodrome required to be reported to the Aeronautical Information Service; and
- (e) Part E: Particulars of the operating procedures of the aerodrome, its equipment and safety measures."

• AMC1-ADR.OR.E. 005 – Aerodrome manual

This AMC deals with the structure of the aerodrome manual, so should be attached to ADR.OR.E.010 and not to ADR.OR.E. 005.

As written, paragraph (e) of this AMC should be in GM. It is proposed to move it to the proposed *GM1-ADR.OR.E.010 – Structure of the aerodrome manual* (see below).

Moreover, an aerodrome has not systematically an equipment manual which is more ATC's task. See DGAC's comment on equipment.

AMC1-ADR.OR.E.00510 – Structure of the aAerodrome manual

"[...]"

~~(e) The aerodrome manual may contain parts of, or refer to other controlled documents, such as aerodrome equipment manual, which are available at the aerodrome for use by the personnel"~~

• ADR.OR.E.005 and AMC2-ADR.OR.E.005 – Aerodrome manual

* This AMC deals with the structure of the aerodrome manual, so should be attached to ADR.OR.E.010 and not to ADR.OR.E.005.

* The mentioned content of the aerodrome manual is extremely detailed and there is a strong risk that it may not be adapted to all aerodromes

originations.

The AMC should instead lay down the principles for the writing of the manual and the GM should provide detailed information such as the one proposed by the current AMC2-ADR.OR.E.005.

DGAC proposes thus to mention only general principles in AMC2: see below the proposed AMC2-ADR.OR.E.010, and to put the current content of AMC2-ADR.OR.E.005 to GM named "*GM1-ADR.OR.E.010 – Structure of the aerodrome manual*" (see below).

* The current content of AMC2-ADR.OR.E.005 is not consistent with the rule it is attached to. In particular, the titles of the parts are different from ADR.OR.E.010: see below the modifications of the proposed GM1-ADR.OR.E.010 – Structure of the aerodrome manual.

* The future content of the proposed *GM1-ADR.OR.E.010 – Structure of the aerodrome manual* is to be harmonized with other comments detailed by DGAC in other comments on other subjects such as apron management services or equipment manual.

* In order to be consistent with the RFF requirements and terminology laid down in part OPS of the NPA, paragraph 4.4 of part C and paragraph 6.12 of part D of the proposed content of the manual should be use the terminology "*level of protection*" instead of "*category*".

* Paragraph 2.2.9 is related to emergency response planning which is already dealt with and even more detailed in paragraph 9 of part E of the proposed content of the manual.

Finally, as written, paragraph (c) of *ADR.OR.E.005 – Aerodrome manual* should be moved to GM, in particular because separating parts of the manual should remain just a possibility since it may be confusing.

Thus the following proposed modifications:

ADR.OR.E.005 – Aerodrome manual

"[...] *(c) The aerodrome manual may be issued in separate parts.* [...]"

AMC2-ADR.OR.E.010 – Structure of the aerodrome manual

"*The aerodrome should include at least the following information :*

- *description of aerodrome infrastructure, services and facilities,*
- *operating procedures,*
- *management systems, including safety, quality and security management and compliance monitoring function,*
- *any restriction on aerodrome availability.*

It should identify the safety accountability for each domain or activity described."

AMC2-GM1-ADR.OR.E.00510 – Structure of the aAerodrome manual

"*(a) The aerodrome manual may be issued in separate parts.*

(b) The aerodrome manual may contain parts of, or refer to other controlled documents of the aerodrome operator, which are available at the aerodrome for use by the personnel.

(c) The aerodrome manual should include at least the following information:

{[...]

B. PART B – AERODROME ADMINISTRATION MANAGEMENT, SAFETY MANAGEMENT SYSTEM, **QUALIFICATION** AND TRAINING REQUIREMENTS INCLUDING SAFETY, AND QUALITY AND SECURITY MANAGEMENT FOR AERONAUTICAL DATA AND AERONAUTICAL

INFORMATION PROVISION ACTIVITIES

[...]

2.2.9 emergency response planning;

[...]

C. PART C — PARTICULARS OF THE AERODROME SITE

[...]

4.4 description of the physical characteristics of the aerodrome, elevations, visual and non-visual aids, as well as the information regarding the aerodrome reference temperature, strength of pavements, rescue and fire fighting level of protection, ground aids and main obstacles;

[...]

D. PART D — PARTICULARS OF THE AERODROME REQUIRED TO BE REPORTED TO THE AERONAUTICAL INFORMATION SERVICE

[...]

6.7 the geographical coordinates and the top elevation of significant obstacles in the approach and take-off areas, in the circling area and in the vicinity surroundings of the aerodrome;

[...]

6.12 category level of protection of rescue and fire fighting; and

[...]

E. PART E — PARTICULARS OF THE AERODROME OPERATING PROCEDURES AND SAFETY MEASURES OPERATING PROCEDURES OF THE AERODROME, ITS EQUIPMENT AND SAFETY MEASURES

[...]

9. Aerodrome emergency plan including:

9.1 dealing with emergencies at the aerodrome or in its vicinity surroundings;

[...]

28. Procedures for the protection of radar and other navigational aids, control of activities, and ground maintenance in the vicinity surroundings of these installations.

[...]"

· GM1-ADR.OR.E.010 — Aerodrome manual and GM2-ADR.OR.E.005 — Structure of the aerodrome manual

GM1 deals with the aerodrome manual in general, so should be attached to OR.E.005 instead of OR.E.010.

GM2 deals with the Structure of the aerodrome manual, so should be attached to OR.E.010 instead of OR.E.005

Moreover, editorial improvements are proposed (see DGAC's general comment on the goal and writing of guidance materials).

GM1-ADR.OR.E.010 005 — Aerodrome manual*"FORM OF THE AERODROME MANUAL*

[...] *The reader of an aerodrome manual should may be given a clear statement of how safety is developed, managed and maintained on the aerodrome. [...]"*

GM2-ADR.OR.E.005 010 — Structure of the aerodrome manual*"PURPOSE AND SCOPE OF THE AERODROME MANUAL*

An efficient management structure and a systematic approach to aerodrome operation is essential. The aerodrome manual should may contain all the relevant information to describe this structure satisfactorily. It is one of the means by which all aerodrome operating staff can be informed as to their duties and responsibilities with regard to safety. It should may describe the aerodrome infrastructure, services and facilities,

*all operating procedures, and any restrictions on aerodrome availability. Accountability for safety must start at the very top of any organisation. One of the key elements in establishing safe working practices is the 'top down' approach where all staff ~~should~~ **may** understand the safety aims of the organisation, the chain of command, and their own responsibilities and accountabilities. As safety management principles are applied, the aerodrome manual ~~should~~ **may** be expanded to describe clearly how the safety of operations is to be managed. To a reader or user of the aerodrome manual there ~~should~~ **may** never be any doubt in terms of 'safety accountability' for each domain or activity described. Each section ~~should~~ **may** define who is accountable, who is responsible, who has the authority, who has the expertise and who actually carries out the tasks described in any section.*

*The principle objective of an aerodrome manual ~~should~~ **may** be to show how management will accomplish its safety responsibilities. The manual will set out the policy and expected standards of performance and the procedures by which they will be achieved.*

*The aerodrome operator ~~should~~ **may** ensure that:*

- the responsibilities of the aerodrome operator are clearly described;*
- the tasks and activities that are to be done by the aerodrome operator or its subcontractors are listed;*
- the means and procedures in order to complete these tasks and activities are described or appended, together with the necessary details on their frequencies and operating modes.*

*Where responsibilities are attributed to other stakeholders, the aerodrome manual ~~should~~ **may** clearly identify them."*

response

Noted

The Agency understands that the comment was to specify that the structure of the aerodrome manual should include at least the parts contained in the relevant article. However, the Agency believes that the foreseen Parts of the aerodrome manual adequately address, in terms of structure, the content of an aerodrome manual, which is based on ICAO Doc 9774.

comment

1211

comment by: *Swedish Regional Airport Association*

Do not make a structure mandatory. Better to specify what the manual must contain, not how it should be structured.

response

Noted

The overall structure of the aerodrome manual is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules. In addition, in this way both the competent authority and the industry are facilitated in assessing/preparing an aerodrome manual.

comment

1217

comment by: *Swedish Regional Airport Association*

The competent authority should not approve the organisations financial capability.

response

Noted

The Agency cannot relate this comment to the actual content of the draft

rule.

comment 1224 comment by: *Bristol Airport - BRS/EGGD*

ADR.OR.E.010	Propose additional sentence "The safety management system may be described in a separate manual"	Some airports already have a separate SMS Manual and it is our view that this should be able to continue.
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response *Noted*

The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that "*It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual*".

comment 1287 comment by: *Blackpool Airport - BLK/EGNH*

ADR.OR.E.010 ; Exeter Airport proposes that an additional sentence "The safety management system may be described in a separate manual". Some airports including Blackpool already have a separate SMS Manual and it is our view that this should be able to continue.

response *Noted*

The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that "*It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual*".

comment 1368 comment by: *Federal Office of Civil Aviation FOCA*

Take over the structure of the aerodrome manual mentioned in ICAO Doc. 9774.

response *Noted*

The overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.

comment 1369 comment by: *Gatwick Airport Ltd*

Move to AMC

Justification

Definition of Aerodrome manual structures too prescriptive. Level of detail moved to AMC

response *Noted*

The structure and the content of the chapters of the AMC are based on these requirements and therefore they cannot be removed. Moreover, the

overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.

comment 1421 comment by: *Salzburger Flughafen GmbH*
 Adopt the structures of ICAO Doc 9774 Manual on certification of aerodromes - Appendix 1

response *Noted*
 The overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.

comment 1518 comment by: *Flughafen Linz-Hörsching - LNZ/LOWL*
 Adopt the structure of ICAO Doc 9774 Manual on Certification of Aerodromes - Appendix 1

response *Noted*
 The overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.

comment 1655 comment by: *Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH*
 Adopt the structures of ICAO Doc 9774 Manual on Certification of aerodromes – Appendix 1

response *Noted*
 The overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.

comment 1723 comment by: *Flughafen Graz Betriebs GmbH*
 Adopt the structures of ICAO Doc 9774 Manual on Certification of aerodromes – Appendix 1

response *Noted*
 The overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.

comment 1833 comment by: *UK CAA*
Page No: 57
Paragraph No: ADR.OR.E.010 (b)
Comment: Qualification requirements are not required in the aerodrome

manual, and so should be excluded from the IR. Additionally, they are not included in the equivalent provisions for air operators (ORO).

Justification: The aerodrome manual contains information relevant to the operation and management of the aerodrome, specifically it is the means by which aerodrome operating staff are fully informed as to their duties and safety responsibilities. This does not include qualifications, which also are not included equivalent provisions for air operators (ORO).

Proposed Text: ADR.OR.E.010 (b) "Part B: **Aerodrome management, safety management system** and training;"

response

Noted

The aerodrome operator should establish its own qualification requirements for its personnel. Since the aerodrome manual contains all the relevant information regarding the management system of the aerodrome, it should also contain the relevant qualification requirements for the relevant aerodrome personnel.

comment

1905

comment by: *Birmingham Airport - BHX/EGBB*

i (2) Very difficult for an Aerodrome Operator to ensure this. Would be better to insert at the beginning of the paragraph : 'organisations operating on the Airport have systems in place to ensure that all of their personnel are able to read and understand.....'

response

Noted

This requirement emanates from the content of Section B of Annex Va of the Basic Regulation, where it is stated that the responsibility for ensuring compliance with the essential requirements is with the aerodrome operator.

comment

1930

comment by: *Stansted Airport*

ADR.OR.E.010

Propose additional sentence "The safety management system may be described in a separate manual"

Some airports already have a separate SMS Manual and it is our view that this should be able to continue

response

Noted

The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that "It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual".

comment

1980

comment by: *London Luton Airport Operations Ltd*

The SMS indicated at (b) needs to be considered. An SMS is a company wide document and not relative just to the aviation part of the

	business. In this regard an SMS often sits atop of the aerodrome manual, the relevance of the SMS should be reflected in the aerodrome manual but organisation should be left to determine how the safety structure works within.
response	<p><i>Noted</i></p> <p>The draft rules pertain to aviation activities and so does the SMS requirements. In any case, AMC2-ADR.OR.D.005(c) describes the content of a separate safety management manual and GM1-ADR.OR.D.005(c) foresees that "It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual".</p>
comment	<p>2051 comment by: Airport Operators Association</p> <p>ADR.OR.E.010 Propose additional sentence "The safety management system may be described in a separate manual" Justification - Some airports already have a separate SMS Manual and it is our view that this should be able to continue.</p>
response	<p><i>Noted</i></p> <p>The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that "It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual".</p>
comment	<p>2472 comment by: Aéroports De Lyon</p> <p>L'exploitant doit avoir la possibilité de modifier l'ordre des parties. De plus, cela lui rajoute une charge administrative supplémentaire.</p> <p><u>Proposition</u>: déplacer les exigences sur le contenu en AMC / GM</p>
response	<p><i>Noted</i></p> <p>The structure and the content of the chapters of the AMC are based on these requirements and therefore they cannot be removed. Moreover, the overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.</p>
comment	<p>2641 comment by: Infratil Airports Europe Ltd</p> <p>Page No: 57</p> <p>Paragraph No: ADR.OR.E.010</p> <p>Comment Propose additional sentence "The safety management system may be described in a separate manual". Some airports already have a separate SMS Manual and it is our view that this should be able to continue.</p>
response	<p><i>Noted</i></p>

The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that *"It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual"*.

comment

2728

comment by: AENA - Aeropuertos Españoles y Navegación
Aérea

· ADR.OR.E.010 — Structure of the aerodrome manual

This rule lays down the structure of the aerodrome manual. It is proposed to indicate that flexibility in the order of the part is possible (see proposition below).

ADR.OR.E.010 — Structure of the aerodrome manual

"The aerodrome manual shall contain or refer to all necessary information for the safe use, operation and maintenance of the aerodrome, its equipment, as well as its defined obstacle limitation surfaces and other surfaces. The main structure of the aerodrome manual shall ~~be as follows~~ include at least the following parts (the parts may be in a different order):

(a) Part A: General;

(b) Part B: Aerodrome management, safety management system, qualification and training requirements;

(c) Part C: Particulars of the aerodrome site;

(d) Part D: Particulars of the aerodrome required to be reported to the Aeronautical Information Service; and

(e) Part E: Particulars of the operating procedures of the aerodrome, its equipment and safety measures."

This changes will apply to more especifications of the NPA.

response

Noted

The Agency understands that the comment was to specify that the structure of the aerodrome manual should include at least the parts contained in the relevant article. However, the Agency believes that the foreseen Parts of the aerodrome manual adequately address, in terms of structure, the content of an aerodrome manual, which is based on ICAO Doc 9774.

comment

2749

comment by: Aberdeen Airport Airside Operations

Proposed additional sentence "The safety management system may be described in a separate manual"

Some airports already have a separate SMS Manual and it is our view that this should be able to continue

response

Noted

The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that *"It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual"*.

comment	2770	comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>
	ADR.OR.E.010	Propose additional sentence "The safety management system may be described in a separate manual" Some airports already have a separate SMS Manual and it is our view that this should be able to continue.
response	<i>Noted</i>	
	The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that <i>"It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual"</i> .	
comment	2829	comment by: <i>Flughafen Klagenfurt</i>
	Adopt the structures of ICAO Doc 9774 Manual on Certification of aerodromes - Appendix 1	
response	<i>Noted</i>	
	The overall structure of the aerodrome manual is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.	
comment	3048	comment by: <i>Norwich International Airport</i>
	ADR.OR.E.010	Propose additional sentence "The safety management system may be described in a separate manual"
	We already have a separate SMS Manual and it is our view that this should be able to continue.	
response	<i>Noted</i>	
	The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that <i>"It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual"</i> .	
comment	3204	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	please use the established ICAO structure and move to AMC	
response	<i>Noted</i>	
	The structure and the content of the chapters of the AMC are based on these requirements and therefore they cannot be removed. Moreover, the overall structure is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.	

comment	3287	comment by: <i>London Biggin Hill Airport</i>
	ADR.OR.E.010 Propose additional sentence "The safety management system may be described in a separate manual" Some airports already have a separate SMS Manual and it is our view that this should be able to continue.	
response	<i>Noted</i>	
	The draft rules already foresee this case. Thus, AMC2-ADR.OR.D.005(c) describes the content of the safety management manual and GM1-ADR.OR.D.005(c) foresees that " <i>It is not required to duplicate information in several manuals. The Safety Management Manual is considered to be a part of the aerodrome manual</i> ".	
comment	3497	comment by: <i>Fraport AG</i>
	ADR.OR.E.010 - Structure of the aerodrome manual	
	General	
	The structure of the aerodrome manual should reflect the structure of ICAO Doc 9774 AN/969 (Appendix 1) in sequence as well as in content to accommodate existing aerodrome manuals.	
response	<i>Noted</i>	
	The overall structure of the aerodrome manual is based on ICAO Doc 9774, which had to be slightly adjusted in order to address the content of the Basic Regulation and the draft Implementing Rules.	

ANNEX II - Part-OR - APPENDIX I

p. 59-60

comment	840	comment by: <i>DGAC Direction Générale de l'aviation civile</i>
	<u>1. Affected paragraphs</u>	
	<ul style="list-style-type: none"> ANNEX II - Part-OR - APPENDIX I ou II (p59-60) 	
	<u>2. Justification and proposed text / comment</u>	
	In order to be clearer, DGAC proposes to clarify that these declarations of the aerodrome operator are declarations " <i>of compliance</i> ". Moreover, the certification basis already includes the definition of obstacle surfaces, among which OLS : it is not relevant to quote them in the declaration.	
	"Appendix I to Annex II	
	Declaration of compliance	
	in accordance with Commission Regulation (EC) No .../... on aerodrome design and operation"	
	[...]	
	The aerodrome as well as its defined obstacle limitation surfaces and other surfaces complies with the certification basis and is safe for use	

	<i>by aircraft.</i>
response	<p><i>Partially accepted</i></p> <p>The Agency accepts the clarification provided in the title of the declaration (that is declaration of compliance). However, the Agency does not share the view that the text should be deleted from the 1st statement contained in the declaration. This is because the OLS and the other surfaces are included in the certification basis and therefore compliance should also be demonstrated in this respect (not just for the aerodrome itself). However, the relevant text has been amended to improve its readability.</p>
comment	<p>934 comment by: <i>Airport Nuremberg - NUE/EDDN</i></p> <p>What is/are the process / the consequences if the guaranteed declaration cannot be given (i.e. due to special permission)?</p>
response	<p><i>Noted</i></p> <p>The Agency is not in position to provide an answer as the comment is not clear.</p>
comment	<p>1835 comment by: <i>UK CAA</i></p> <p>Page No: 59-60</p> <p>Paragraph No: Appendix I to Annex II</p> <p>Comment: The UK CAA does not see any need for an aerodrome operator to have to make a declaration of its compliance, and this requirement risks confusion with the declarations that may be required of providers of apron management services.</p> <p>Justification: A declaration serves no practical purpose and is only relevant on the day it is signed. The Competent Authority confirms that the applicable requirements have been met and that the ADR is safe by the issue of an aerodrome certificate. There is no corresponding provision for organisations covered by the aircrew or operations OR.GEB requirements. Moreover a declaration of this kind is not a requirement of the Basic Regulation and risks confusion with declarations that may be required of providers of apron management services.</p> <p>Proposed Text: Delete Appendix I to Annex II.</p>
response	<p><i>Partially accepted</i></p> <p>To avoid possible confusion the Agency has amended the relevant declarations to be made by different organisations (i.e. aerodrome operators and providers of apron management services). Similar declaration requirements exist also in EU Regulation 1702/2003, while the recently approved rules for air operators contain a requirement for a similar statement of compliance to be submitted by the applicant.</p>
comment	<p>1853 comment by: <i>UK CAA</i></p> <p>Page No: 61</p>

Paragraph No: Appendix II to Annex II [Please note that the CRT did not allow this comment to be inserted against Appendix II of the document, therefore we have inserted this comment to follow the comment on Appendix I]

Comment: The UK CAA does not consider that providers of apron management services subject to a declaration should be required to notify all alternative means of compliance used

Justification: Requiring all declared providers to notify NAA's of their use of AMC takes the process too far towards a certification regime. Those member states that wish to retain a certification regime for providers of apron management services may do so.

Proposed Text: Delete entry on form: "Attached to this declaration is a list of all alternative means of compliance with references to the AMCs they replace, in accordance with ADR.OR.A.015(c)".

response *Not accepted*

The Agency does not share the view that providers of apron management services should not declare to the competent authority the alternative means of compliance that they may use. If this is not done, then the authority will not be in a position to identify a possible need for audit/inspection but most importantly it will not be able to fulfil its obligations arising from the overall concept for the use of alternative means of compliance which is described in ADR.AR.A.015. In any case such declared organisations are not certified. The form itself has now become guidance material.

comment

2549

comment by: *AENA - Aeropuertos Españoles y Navegación Aérea*

In order to be clearer, it is proposed to clarify that these declarations of the aerodrome operator are declarations "of compliance". Moreover, the certification basis already includes the definition of obstacle surfaces, among which OLS : it is not relevant to quote them in the declaration.

"Appendix I to Annex II

Declaration of compliance

in accordance with Commission Regulation (EC) No .../... on aerodrome design and operation"

[...]

~~The aerodrome as well as its defined obstacle limitation surfaces and other surfaces complies with the certification basis and is safe for use by aircraft.~~

response *Partially accepted*

The Agency accepts the clarification provided in the title of the declaration (that is declaration of compliance). However, the Agency does not share the view that the text should be deleted from the 1st statement contained in the declaration. This is because the OLS and the other surfaces are

included in the certification basis and therefore compliance should also be demonstrated in this respect (not just for the aerodrome itself). However, the relevant text has been amended to improve its readability while the form itself has now become guidance material.

ANNEX III PART – Operations Requirements (Part-OPS)

p. 63

comment	<p>609 comment by: <i>Vienna International Airport</i></p> <p>Responsibilities should be clearly defined as written in ICAO Annex 15 3.1.1.1 The State concerned shall remain responsible for the information published. Aeronautical information published for and on behalf of a State shall clearly indicate that it is published under the authority of that State.</p>
response	<p><i>Accepted</i></p> <p>The Agency agrees that the State concerned is responsible for the information published. However paragraph B.1.(b) of Annex Va requires the aerodrome operator to verify that the requirements of Section A of Annex Va, where the provision of aerodrome data is included, are complied with at all times.</p>
comment	<p>686 comment by: <i>ADV -German Airports Association</i></p> <p>Attachment #246</p> <p>see comments on ADR.OPS</p> <ul style="list-style-type: none"> • B.I 3400 – 3412 • B.II 2558 - 2579
response	<p><i>Noted</i></p> <p>All the comments concerning the formatting of the document has been taken into consideration.</p> <p>The Agency decided to follow only ICAO mature material, meaning that the current proposals on ICAO SL 41-2011 have not been taken into consideration.</p> <p>The responsibilities of the aerodrome operator are defined in the Basic Regulation and Annexes Va and if applicable, Vb.</p>
comment	<p>704 comment by: <i>Flughafen Duesseldorf GmbH</i></p> <p>General comment:</p> <p>The references to ICAO documents within tables, figures and text need to be removed or aligned with EASA references. The numeration of figures and tables needs to be consistent. Repeating paragraphs with the same content need to be removed. No proposed amendments to ICAO documents should be included into EASA as long as they are not finally agreed by ICAO. Within these requirements the responsibility of the</p>

	aerodrome operator is significantly increased. More and more issues are brought under the responsibility of the aerodrome operators without responsible authorities. This heavily conflicts with national law.
response	<p><i>Accepted</i></p> <p>All the comments concerning the formatting of the document has been taken into consideration.</p> <p>The Agency decided to follow only ICAO mature material, meaning that the current proposals on ICAO SL 41-2011 have not been taken into consideration.</p> <p>The responsibilities of the aerodrome operator are defined in the Basic Regulation and Annexes Va and if applicable, Vb.</p>
comment	<p>1173 comment by: CAA Austria - Ministry of Transport</p> <p>Responsibilities should be clearly defined as written in ICAO Annex 15 3.1.1.1 The State concerned shall remain responsible for the information published. Aeronautical information published for and on behalf of a State shall clearly indicate that it is published under the authority of that State.</p>
response	<p><i>Accepted</i></p> <p>The Agency agrees that the State concerned is responsible for the information published. However paragraph B.1.(b) of Annex Va requires the aerodrome operator to verify that the requirements of Section A of Annex Va, where the provision of aerodrome data is included, are complied with at all times.</p>
comment	<p>1414 comment by: Belgian CAA</p> <p>The ICAO Annex 14 chapter 9.6 (Ground servicing of an aircraft) is not covered by the NPA.</p>
response	<p><i>Noted</i></p> <p>Chapter 9.6 of ICAO Annex 14 will be dealt in the Apron Management Rulemaking Group</p>
comment	<p>1424 comment by: Salzburger Flughafen GmbH</p> <p>Responsibilities should be clearly defined as written in ICAO Annex 15 3.1.1.1 . The State concerned shall remain responsible for the information published. Aeronautical information published for and on behalf of a State shall clearly indicate that it is published under the authority of that State.</p>
response	<p><i>Accepted</i></p> <p>The Agency agrees that the State concerned is responsible for the information published. However paragraph B.1.(b) of Annex Va requires the aerodrome operator to verify that the requirements of Section A of Annex Va, where the provision of aerodrome data is included, are complied with at all times.</p>

comment	<p>1519 comment by: <i>Flughafen Linz-Hörsching - LNZ/LOWL</i></p> <p>Responsibilities should be clearly defined as written in ICAO Annex 15</p> <p>3.1.1.1 The state concerned shall remain responsible for the information published. Aeronautical information published for and on behalf of a state shall clearly indicate that it is published under the authority of that state.</p>
response	<p><i>Accepted</i></p> <p>The Agency agrees that the State concerned is responsible for the information published. However paragraph B.1.(b) of Annex Va requires the aerodrome operator to verify that the requirements of Section A of Annex Va, where the provision of aerodrome data is included, are complied with at all times.</p>
comment	<p>1659 comment by: <i>Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i></p> <p>Responsibilities should be clearly defined as written in ICAO Annex 15</p> <p>3.1.1.1 The State concerned shall remain responsible for the information published. Aeronautical information published for and on behalf of a State shall clearly indicate that it is published under the authority of that State.</p>
response	<p><i>Accepted</i></p> <p>The Agency agrees that the State concerned is responsible for the information published. However paragraph B.1.(b) of Annex Va requires the aerodrome operator to verify that the requirements of Section A of Annex Va, where the provision of aerodrome data is included, are complied with at all times.</p>
comment	<p>1724 comment by: <i>Flughafen Graz Betriebs GmbH</i></p> <p>Responsibilities should be clearly defined as written in ICAO Annex 15</p> <p>3.1.1.1 The State concerned shall remain responsible for the information published. Aeronautical information published for and on behalf of a State shall clearly indicate that it is published under the authority of that State.</p>
response	<p><i>Accepted</i></p> <p>The Agency agrees that the State concerned is responsible for the information published. However paragraph B.1.(b) of Annex Va requires the aerodrome operator to verify that the requirements of Section A of Annex Va, where the provision of aerodrome data is included, are complied with at all times.</p>
comment	<p>1842 comment by: <i>ADV Arbeitsgemeinschaft Deutscher Verkehrsflughäfen</i></p> <p><u>General comments</u></p> <ul style="list-style-type: none"> • References to ICAO Documents within tables, figures and text need to be removed or aligned with EASA references. • Numeration of Figures and tables needs to be consistent

- Repeating paragraphs with the same content need to be removed (e.g. DSN.H.425 (f),(g),(h) or DSN.M.760 (c))
- No proposed Amendments to ICAO Documents should be included into EASA as long as there not finally agreed by ICAO.
- Within these requirements the responsibility of the aerodrome operator is significantly increased. More and more issue are brought under the responsibility of the aerodrome operators without responsible authorities. This heavily conflicts with national law.

response

Accepted

All the comments concerning the formatting of the document has been taken into consideration.

The Agency decided to follow only ICAO mature material, meaning that the current proposals on ICAO SL 41-2011 have not been taken into consideration.

The responsibilities of the aerodrome operator are defined in the Basic Regulation and Annexes Va and if applicable, Vb.

comment

1849

comment by: *Fons Schaefers/SGI Advisory*

In the top title of this Annex III, it is called 'Part-OPS'. Below, it is referred to as 'Part-ADR.OPS'. Although the word 'Operations' (abbreviated as 'OPS') in an aviation context can have more than one meaning, it has become a synonym for **air** operations. The predecessors of the currently proposed Parts of the Air Operations Implementing Rule were called JAR-OPS and EU-OPS. A new EASA Part-OPS that is **not** dealing with air operations can therefore be confusing. We suggest to consistently use the ADR-OPS nomer.

response

Accepted

In the text the term OPS is always accompanied with the term ADR in order to distinguish from flight operations

comment

2425

comment by: *Aeroport Paris Vatry - XCR/LFOK*Attachment [#247](#)

Please see comments B.I 3510-3523

response

Noted

Refer to similar questions and replies in the document

comment

2831

comment by: *Flughafen Klagenfurt*

Responsibilities should be clearly defined as written in ICAO Annex 15
3.1.1.1 The State concerned shall remain responsible for the information published. Aeronautical information published for and on behalf of a State

	shall clearly indicate that it is published under the authority of that State.
response	<p><i>Accepted</i></p> <p>The Agency agrees that the State concerned is responsible for the information published. However paragraph B.1.(b) of Annex Va requires the aerodrome operator to verify that the requirements of Section A of Annex Va, where the provision of aerodrome data is included, are complied with at all times.</p>
comment	<p>3400 <i>comment by: ADV -German Airports Association</i></p> <ul style="list-style-type: none"> • References to ICAO Documents within tables, figures and text need to be removed or aligned with EASA references. • Numeration of Figures and tables needs to be consistent • Repeating paragraphs with the same content need to be removed (e.g. DSN.H.425 (f),(g),(h) or DSN.M.760 (c))
response	<p><i>Accepted</i></p> <p>All the comments concerning the formatting of the document has been taken into consideration.</p>
comment	<p>3401 <i>comment by: ADV -German Airports Association</i></p> <p>No proposed Amendments to ICAO Documents should be included into EASA as long as there not finally agreed by ICAO.</p>
response	<p><i>Accepted</i></p>
comment	<p>3402 <i>comment by: ADV -German Airports Association</i></p> <p>Within these requirements the responsibility of the aerodrome operator is significantly increased. More and more issue are brought under the responsibility of the aerodrome operators without responsible authorities. This heavily conflicts with national law.</p>
response	<p><i>Noted</i></p> <p>The responsibilities of the aerodrome operator are defined in the Basic Regulation and Annexes Va and if applicable Vb.</p>

ANNEX III - Part-OPS - ADR.OPS.A.005 – Aeronautical data

p. 63

comment	<p>1105 <i>comment by: NATS National Air Traffic Services Limited</i></p> <p>The title is "Aeronautical data" yet the text that follows only uses the term "data". Suggest the addition of "aeronautical" before "data" in the subsequent text.</p>
response	<p><i>Accepted</i></p> <p>The title has been changed to "Aerodrome Data" insted of "Aeronautical</p>

Data"

comment	<p>1858 comment by: UK CAA</p> <p>Page No: 63</p> <p>Paragraph No: ADR.OPS.A.005 – Aeronautical data</p> <p>Comment: There is no cross reference to ICAO Annex 15, Chapter 10 – Electronic Terrain and Obstacle Data standards and recommended practices.</p> <p>The ICAO European Air Navigation Planning Group (EANPG) has asked ICAO H.Q. to consider the inclusion of appropriate provisions related to eTOD in ICAO Annex 14. It is considered important that the eTOD requirements are included in Annex 14 and thereby linked to the certification/licensing of aerodromes.</p> <p>It is of critical concern that this regulation has not been considered when developing the NPA in respect of the Management of aeronautical data and aeronautical information.</p> <p>Immediate action is required to address this oversight and ensure harmonisation of the Authority, Organisation and Operations Requirements for Aerodromes with ICAO Annex 15, Chapter 10.</p>
response	<p><i>Accepted</i></p> <p>The comment concerning the inclusion of electronic terrain and obstacle data into the aeronautical data part, is agreed. However, the requirements will be added as an AMC</p>

ANNEX III - Part-OPS - ADR.OPS.A.010 – Data quality requirements	p. 63
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comment	<p>44 comment by: ACI EUROPE - Airports Council International</p> <p>delete (1) and (3)</p> <p>Justification: already covered in ADR.OPS.A.010 (a)</p>
response	<p><i>Noted</i></p> <p>Point (a) requires the aerodrome operator to provide the data with the required quality and integrity. Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published data in order to ensure that the information provided has been published correctly</p>
comment	<p>176 comment by: CAA-NL</p> <p>In (b) (3) we suggest to add 'originating from the aerodrome operator' after 'published data', because the aerodrome operator is not responsible for all incorrect or inappropriate data published by the relevant ANS providers.</p>

response	<i>Accepted</i> Text has been revised accordingly
comment	227 <i>comment by: SWISS AERODROMES ASSOCIATION</i> (b) 1) & 3) have to be deleted as this responsibility is owned by the State, not by the aerodrome operator.
response	<i>Noted</i> The Agency agrees that aerodrome data are published under the authority and responsibility of the State. However, points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published data in order to ensure that the information provided has been published correctly
comment	472 <i>comment by: Avinor</i> ADR.OPS.A.10 (b). Delete (1) and (3). Already covered in ADR.OPS.A.010 (a).
response	<i>Noted</i> Point (a) requires the aerodrome operator to provide the data with the required quality and integrity. Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published data in order to ensure that the information provided has been published correctly
comment	705 <i>comment by: Flughafen Duesseldorf GmbH</i> ADR.OPS.A10 (b) should be deleted because it is already covered in ADR.OPS.A010 (a)
response	<i>Noted</i> Point (a) requires the aerodrome operator to provide the data with the required quality and integrity. Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published data in order to ensure that the information provided has been published correctly
comment	877 <i>comment by: Union des Aéroports français - UAF</i> Attachment #248 UAF NPA 2011-20 (B.I) ADR.OPS.A.010 (b) (1) et (3) Référence: ADR.OPS.A.010 (b) (1) et (3) (b)“The aerodrome operator shall: (1) monitor data relevant to the aerodrome and available services originating from the aerodrome operator and promulgated by the relevant ANS providers; (3) notify the relevant ANS providers when the published data is incorrect or inappropriate.” Traduction de courtoisie In the (b) we propose to add “within the limits of its competences”.

	<p>Cf. General comment n°2. The provisions of (b) (1) et (3) should be cleared up, even deleted. For (b) (1), this provision is unclear and we do not fully understand its scope. The aerodrome operator can safely control the major data that exists within its platform. However this is not the case for data that exists outside of its platform (the case of obstacles and terrain data). And certainly not on a daily basis as would imply the existing text. Regarding (b) (3), the aerodrome operator cannot judge the incorrect and inappropriate nature of the data provided by the air navigation service especially as this data is requested by the CMA-ADR -OPS.A.005. It may just indicate whether the published data is false or not.</p>
response	<p><i>Noted</i></p> <p>Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published by itself aerodrome data, in order to ensure that the information provided has been published correctly.</p>
comment	<p>1123 comment by: <i>Cologne/Bonn Airport</i></p> <p>(b) delete (1); already covered in ADR.OPS.A.10 (a)</p>
response	<p><i>Noted</i></p> <p>Point (a) requires the aerodrome operator to provide the data with the required quality and integrity. Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published data in order to ensure that the information provided has been published correctly</p>
comment	<p>1170 comment by: <i>ADP : Aeroports de Paris</i></p> <p>Référence: ADR.OPS.A.010 (b) (1) et (3) (b)"The aerodrome operator shall:</p> <p>(1) monitor data relevant to the aerodrome and available services originating from the aerodrome operator and promulgated by the relevant ANS providers;</p> <p>(3) notify the relevant ANS providers when the published data is incorrect or inappropriate."</p> <p>Proposition/commentaire Au (b), nous proposons de rajouter « dans les limites de ses compétences ».</p> <p>Les dispositions du (b) (1) et (3) devraient être éclaircies voire supprimées.</p> <p>Justification Pour le (b) : Cf. 3ieme Commentaire général n°2867.</p>

Pour le (b) (1), cette disposition n'est pas claire et nous ne comprenons pas exactement sa portée. L'exploitant d'aérodrome peut sans problème majeur contrôler les données concernant ce qui existe à l'intérieur de sa plate-forme. En revanche cela n'est pas le cas pour les données concernant ce qui existe à l'extérieur de sa plate-forme (cas des obstacles et des données terrain). Et cela certainement pas au jour le jour comme le sous-entendrait le texte existant.

S'agissant du (b) (3), l'exploitant d'aérodrome ne peut juger du caractère incorrect et inapproprié de la donnée fournie par le service de navigation aérienne d'autant plus que cette donnée est demandée par l'AMC-ADR-OPS.A.005. Il peut juste indiquer si la donnée publiée est fausse ou non.

Traduction de courtoisie

In the (b) we propose to add "within the limits of its competences".

Cf. 3rd General comment n°2867.

The provisions of (b) (1) et (3) should be cleared up, even deleted.

For (b) (1), this provision is unclear and we do not fully understand its scope. The aerodrome operator can safely control the major data that exists within its platform. However this is not the case for data that exists outside of its platform (the case of obstacles and terrain data). And certainly not on a daily basis as would imply the existing text.

Regarding (b) (3), the aerodrome operator cannot judge the incorrect and inappropriate nature of the data provided by the air navigation service especially as this data is requested by the CMA-ADR -OPS.A.005. It may just indicate whether the published data is false or not.

response

Noted

Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published by itself aerodrome data, in order to ensure that the information provided has been published correctly.

comment

1370

comment by: *Federal Office of Civil Aviation FOCA*

The scope of the NPA is to harmonize the various requirements (ADQ, DO-200a/ED76, DO-201a/ED-77, ICAO Annex 15, etc.) in regard of the data quality for aeronautical information and data. The structure and content of ADR-OPS.A.010 and ADR-OPS.A.015 is a) the coordination and arrangements between Aerodrome Operators and the AIS Providers and ANSP b) the Data Quality requirements.

response

Noted

comment

1599

comment by: *Euroairport Bâle-Mulhouse*

Attachment [#249](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.A.010 (b) (1) et (3)

Référence: ADR.OPS.A.010 (b) (1) et (3)
 (b) "The aerodrome operator shall:
 (1) monitor data relevant to the aerodrome and available services originating from the aerodrome operator and promulgated by the relevant ANS providers;
 (3) notify the relevant ANS providers when the published data is incorrect or inappropriate."

Traduction de courtoisie
 In the (b) we propose to add "within the limits of its competences".
 Cf. General comment n°2.
 The provisions of (b) (1) et (3) should be cleared up, even deleted.
 For (b) (1), this provision is unclear and we do not fully understand its scope. The aerodrome operator can safely control the major data that exists within its platform. However this is not the case for data that exists outside of its platform (the case of obstacles and terrain data). And certainly not on a daily basis as would imply the existing text.
 Regarding (b) (3), the aerodrome operator cannot judge the incorrect and inappropriate nature of the data provided by the air navigation service especially as this data is requested by the CMA-ADR -OPS.A.005. It may just indicate whether the published data is false or not.

response *Noted*

Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published by itself aerodrome data, in order to ensure that the information provided has been published correctly.

comment

1805

comment by: *Assaeroporti - Associazione Italiana Gestori Aeroporti*

(b): we suggest to delete (1) and (3), already covered in ADR.OPS.A.010

The aerodrome operator can not safely control the data that exists outside of its platform.

Moreover, the aerodrome operator can not judge the incorrect and inappropriate nature of the data provided by the air navigation service provider. It may just indicate whether the published data is false or not.

response *Noted*

Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published by itself aerodrome data, in order to ensure that the information provided has been published correctly.

comment

1889

comment by: *Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH*

The provisions of (b) (1) et (3) should be cleared up, even deleted.

For (b) (1), this provision is unclear and we do not fully understand its scope. The aerodrome operator can safely control the major data that exists within its platform. However this is not the case for data that exists outside of its platform (the case of obstacles and terrain data).

Regarding (b) (3), the aerodrome operator cannot judge the incorrect and inappropriate nature of the data provided by the air navigation service especially as this data is requested by the CMA-ADR -OPS.A.OO5. It may just indicate whether the published data is false or not.

response *Noted*

Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published by itself aerodrome data, in order to ensure that the information provided has been published correctly.

comment 1925 comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#250](#)

UAF NPA 2011-20 (B.I) ADR.OPS.A.010 (b) (1) et (3)

Référence: ADR.OPS.A.010 (b) (1) et (3)

(b)“The aerodrome operator shall:
 (1) monitor data relevant to the aerodrome and available services originating from the aerodrome operator and promulgated by the relevant ANS providers;
 (3) notify the relevant ANS providers when the published data is incorrect or inappropriate.”

Traduction de courtoisie

In the (b) we propose to add “within the limits of its competences”.
 Cf. General comment n°2.
 The provisions of (b) (1) et (3) should be cleared up, even deleted.
 For (b) (1), this provision is unclear and we do not fully understand its scope. The aerodrome operator can safely control the major data that exists within its platform. However this is not the case for data that exists outside of its platform (the case of obstacles and terrain data). And certainly not on a daily basis as would imply the existing text.
 Regarding (b) (3), the aerodrome operator cannot judge the incorrect and inappropriate nature of the data provided by the air navigation service especially as this data is requested by the CMA-ADR -OPS.A.OO5. It may just indicate whether the published data is false or not.

response *Noted*

Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published by itself aerodrome data, in order to ensure that the information provided has been published correctly.

comment 1999 comment by: *Geneva International Airport (ROMIG)*

ADR.OPS.A.10 (b) - propose to delete (1) and (3), these points are covered in ADR.OPS.A.010 (a).

response

Noted

Point (a) requires the aerodrome operator to provide the data with the required quality and integrity. Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published data in order to ensure that the information provided has been published correctly

comment

2052

comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*Attachment [#251](#)

ADBM - NPA 2011-20 (B.I) ADR.OPS.A.010 (b) (1) et (3)

Référence: ADR.OPS.A.010 (b) (1) et (3)
 (b) "The aerodrome operator shall:
 (1) monitor data relevant to the aerodrome and available services originating from the aerodrome operator and promulgated by the relevant ANS providers;
 (3) notify the relevant ANS providers when the published data is incorrect or inappropriate."

Traduction de courtoisie
 In the (b) we propose to add "within the limits of its competences".
 Cf. General comment n°2.
 The provisions of (b) (1) et (3) should be cleared up, even deleted.
 For (b) (1), this provision is unclear and we do not fully understand its scope. The aerodrome operator can safely control the major data that exists within its platform. However this is not the case for data that exists outside of its platform (the case of obstacles and terrain data). And certainly not on a daily basis as would imply the existing text.
 Regarding (b) (3), the aerodrome operator cannot judge the incorrect and inappropriate nature of the data provided by the air navigation service especially as this data is requested by the CMA-ADR -OPS.A.OO5. It may just indicate whether the published data is false or not.

response

Noted

Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published by itself aerodrome data, in order to ensure that the information provided has been published correctly.

comment

2122

comment by: *Aéroport de Marseille - MRS/LFML*

In the (b) we propose to add "within the limits of its competences".
 Cf. General comment n°2.

The provisions of (b) (1) et (3) should be cleared up, even deleted.
 For (b) (1), this provision is unclear and we do not fully understand its scope. The aerodrome operator can safely control the major data that exists within its platform. However this is not the case for data that exists outside of its platform (the case of obstacles and terrain data). And certainly not on a daily basis as would imply the existing text.
 Regarding (b) (3), the aerodrome operator cannot judge the incorrect and inappropriate nature of the data provided by the air navigation service especially as this data is requested by the CMA-ADR -OPS.A.OO5. It may

comment	2505	comment by: <i>Munich Airport International</i>
	(b)	
	(1): delete	
	Justification: already covered in ADR.OPS.A.010 (a)	
response	<i>Noted</i>	
	Point (a) requires the aerodrome operator to provide the data with the required quality and integrity. Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published data in order to ensure that the information provided has been published correctly.	
comment	2889	comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i>
	(b) Delete (1) and (3). Already covered in ADR.OPS.A.010 (a).	
response	<i>Noted</i>	
	Point (a) requires the aerodrome operator to provide the data with the required quality and integrity. Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published data in order to ensure that the information provided has been published correctly.	
comment	2902	comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>
	Référence: ADR.OPS.A.010 (b) (1) et (3)	(b)"The aerodrome operator shall: (1) monitor data relevant to the aerodrome and available services originating from the aerodrome operator and promulgated by the relevant ANS providers; (3) notify the relevant ANS providers when the published data is incorrect or inappropriate."
	Proposition/commentaire	Au (b), nous proposons de rajouter « dans les limites de ses compétences ». Les dispositions du (b) (1) et (3) devraient être éclaircies voire supprimées.
	Justification	Pour le (b) : Cf. Commentaire général n°2. Pour le (b) (1), cette disposition n'est pas claire et nous ne comprenons pas exactement sa portée. L'exploitant d'aérodrome peut sans problème majeur contrôler les données concernant ce qui

	<p>existe à l'intérieur de sa plate-forme. En revanche cela n'est pas le cas pour les données concernant ce qui existe à l'extérieur de sa plate-forme (cas des obstacles et des données terrain). Et cela certainement pas au jour le jour comme le sous-entendrait le texte existant.</p> <p>S'agissant du (b) (3), l'exploitant d'aérodrome ne peut juger du caractère incorrect et inapproprié de la donnée fournie par le service de navigation aérienne d'autant plus que cette donnée est demandée par l'AMC-ADR-OPS.A.OO5. Il peut juste indiquer si la donnée publiée est fausse ou non.</p>
Traduction de courtoisie	<p>In the (b) we propose to add "within the limits of its competences". Cf. General comment n°2.</p> <p>The provisions of (b) (1) et (3) should be cleared up, even deleted. For (b) (1), this provision is unclear and we do not fully understand its scope. The aerodrome operator can safely control the major data that exists within its platform. However this is not the case for data that exists outside of its platform (the case of obstacles and terrain data). And certainly not on a daily basis as would imply the existing text. Regarding (b) (3), the aerodrome operator cannot judge the incorrect and inappropriate nature of the data provided by the air navigation service especially as this data is requested by the CMA-ADR - OPS.A.OO5. It may just indicate whether the published data is false or not.</p>

response *Noted*

Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published by itself aerodrome data, in order to ensure that the information provided has been published correctly.

comment 3093

comment by: *Aéroports De Lyon*

Pour le (b) (1), cette disposition n'est pas claire et nous ne comprenons pas exactement sa portée. L'exploitant d'aérodrome peut sans problème majeur contrôler les données concernant ce qui existe à l'intérieur de sa plate-forme. En revanche cela n'est pas le cas pour les données concernant ce qui existe à l'extérieur de sa plate-forme (cas des obstacles et des données terrain). Et cela certainement pas au jour le jour comme le sous-entendrait le texte existant.

S'agissant du (b) (3), l'exploitant d'aérodrome ne peut juger du caractère incorrect et inapproprié de la donnée fournie par le service de navigation aérienne d'autant plus que cette donnée est demandée par l'AMC-ADR-OPS.A.OO5. Il peut juste indiquer si la donnée publiée est fausse ou non.

Proposition: Au (b), rajouter « dans les limites de ses compétences ». Les dispositions du (b) (1) et (3) devraient être éclaircies voire supprimées.

response *Noted*

Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published by itself aerodrome data, in order to ensure that the information provided has been published correctly.

comment *3166* comment by: *Isavia*
ADR.OPS.A.010 (b). Delete (1) and (3). Already covered in ADR.OPS.A.010 (a).

response *Noted*

Point (a) requires the aerodrome operator to provide the data with the required quality and integrity. Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published data in order to ensure that the information provided has been published correctly.

comment *3228* comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#255](#)

SEARD NPA 2011-20 (B.I) ADR.OPS.A.010 (b) (1) et (3)

Référence: ADR.OPS.A.010 (b) (1) et (3)
 (b)"The aerodrome operator shall:
 (1) monitor data relevant to the aerodrome and available services originating from the aerodrome operator and promulgated by the relevant ANS providers;
 (3) notify the relevant ANS providers when the published data is incorrect or inappropriate."

Traduction de courtoisie
 In the (b) we propose to add "within the limits of its competences".
 Cf. General comment n°2.
 The provisions of (b) (1) et (3) should be cleared up, even deleted.
 For (b) (1), this provision is unclear and we do not fully understand its scope. The aerodrome operator can safely control the major data that exists within its platform. However this is not the case for data that exists outside of its platform (the case of obstacles and terrain data). And certainly not on a daily basis as would imply the existing text.
 Regarding (b) (3), the aerodrome operator cannot judge the incorrect and inappropriate nature of the data provided by the air navigation service especially as this data is requested by the CMA-ADR -OPS.A.OO5. It may

	just indicate whether the published data is false or not.
response	<p><i>Noted</i></p> <p>Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published by itself aerodrome data, in order to ensure that the information provided has been published correctly.</p>
comment	<p>3296 comment by: CAA SR</p> <p>ADR.OPS.A.010 — Data quality requirements (a) All data relevant to the aerodrome and available services shall be provided by the aerodrome operator with the required quality and integrity as required by EU regulation 73/2010.</p> <p>Argument: There is existing EU regulation 73/2010 laying down requirements on the quality of aeronautical data and aeronautical information for the single European sky and all the data about aerodromes shall be in compliance with the regulation.</p>
response	<i>Noted</i>
comment	<p>3403 comment by: ADV -German Airports Association</p> <p>ADR.OPS.A.10 (b) delete (1)</p> <p>Justification: already covered in ADR.OPS.A.010 (a)</p>
response	<p><i>Noted</i></p> <p>Point (a) requires the aerodrome operator to provide the data with the required quality and integrity. Points (b) (1) and (b) (3) requires the aerodrome operator to monitor the published data in order to ensure that the information provided has been published correctly</p>
comment	<p>3498 comment by: Fraport AG</p> <p>ADR.OPS.A.010 - Data quality requirements</p> <p>Editorial</p> <p>Complete paragraph</p> <p>DELETE complete paragraph</p> <p>Fraport AG: ADR.OPS.A.010 is already addressed by Regulation (EU) No 73/2010 on Aeronautical Data Quality. Having this again under EASA regulation, its doubled regulation. Proposal is to delete complete paragraph.</p>

response *Noted*

ANNEX III - Part-OPS - ADR-OPS.A.015 — Coordination between Aerodrome Operators, Aeronautical Information Services Providers and Air Navigation Service Providers	p. 64
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comment *81* comment by: *CAA Norway*
 We suggest to remove "...status of certification of aerodromes ..." from ADR.OPS.A.015 (a) (1) on page 64. This information on status of certification is not of operational significance in the sense that it has nothing to do with pre-flight and in flight operations. This information should be promulgated to the AIS under art OPS.A.005.

response *Accepted*
 The requirement to remove the "status of the certification of aerodromes" has been accepted because this is not under the responsibility of the aerodrome operator. For the same reason this cannot be included in ADR.OPS.A.

comment *82* comment by: *CAA Norway*
 We suggest to take out "...disabled aircraft removal..." in ADR.OPS.A.015 (a) (1) on page 64. Disabled aircraft removal is given too significant value here in this pre-flight and in-flight information. Like any other problem with the movement area it is subject to a NOTAM.

response *Not accepted*
 The requirement to include information on the disabled aircraft removal plan is foreseen at ICAO Annex 14 2.13.1.(a) Standard.

comment *241* comment by: *KLM*
Add:
 Include PAPI or any other equipment that may belong to the aerodrome such as wind socks etc.
 Why is this paragraph limited to the issues mentioned?

response *Noted*
 The Agency included all the requirements of ICAO Annex 14, 2.13.

comment *524* comment by: *Icelandic Civil Aviation Administration*
 We suggest to remove "...status of certification of aerodromes ..." from ADR.OPS.A.015 (a) (1) on page 64. This information on status of certification is not of operational significance in the sense that it has nothing to do with pre-flight and in flight operations. This information should be promulgated to the AIS under art OPS.A.005.

response	<i>Accepted</i>
	The requirement to remove the "status of the certification of aerodromes" has been accepted because this is not under the responsibility of the aerodrome operator. For the same reason this cannot be included in ADR.OPS.A.
comment	528 <i>comment by: Icelandic Civil Aviation Administration</i>
	We suggest to take out "...disabled aircraft removal..." in ADR.OPS.A.015 (a) (1) on page 64. Disabled aircraft removal is given too significant value here in this pre-flight and in-flight information. Like any other problem with the movement area it is subject to a NOTAM.
response	<i>Not accepted</i>
	The requirement to include information on the disabled aircraft removal plan is foreseen at ICAO Annex 14 2.13.1.(a) Standard.
comment	754 <i>comment by: Finnish Transport Safety Agency</i>
	We suggest to take out "...disabled aircraft removal..." in ADR.OPS.A.015 (a) (1) on page 64. Disabled aircraft removal is given too significant value here in this pre-flight and in-flight information. Like any other problem with the movement area it is subject to a NOTAM.
response	<i>Not accepted</i>
	The requirement to include information on the disabled aircraft removal plan is foreseen at ICAO Annex 14 2.13.1.(a) Standard.
comment	1218 <i>comment by: Swedish Regional Airport Association</i>
	To high recommendation to the aerodrome operator. The list contains elements wich should be assesed by the aircraft operator.
response	<i>Not accepted</i>
	The provisions are coming directly from ICAO Annex 14, 2.13. The aircraft operator is responsible to assess the information, but the aerodrome operator is responsible for the provision of the information.
comment	1372 <i>comment by: Danish Transport Authority</i>
	EDITORIAL: Use of the abbreviations like ANS, ANSP, ATC, ATS, CNS, AIS and MET must be unambiguous according to definitions in Regulation 2096. In some places the use of these gives an incorrect meaning. Exampel: Use of ATC under subject GM-ADR-OPS.A.005 (page 124 (e)) will not cover all aerodromes. Some Aerodromes use AFIS as ATS. Headline AMC-ADR-OPS.A.015 use "..... Aeronautical Information Services Providers, ANSPs and... " Aeronautical Service provider is an ANSP. Headline should be "Coordination between Aerodrome operator and ANSPs". the general term ANSP should also be used under item (e) in AMC2-ADR.AR.C.010 (b) - Oversight programmes.
response	<i>Accepted</i>

The Agency, in order to avoid any confusion, retained the terms used in Annex 14, i.e. air traffic services and aeronautical information services

comment	<p>1373 comment by: <i>Danish Transport Authority</i></p> <p>(a) (1) Should be revised to "Information on the status of aerodrome conditions". Its is not clear why "status of certification of aerodromes" is an important operational significance to pre-flight and in flight operations. Furthermore the prioritizing of disabled aircraft removal, RFFS and visual approach slope indicator system in the IR compared to other safety areas can not be justified.</p>
response	<p><i>Accepted</i></p> <p>The requirement to include the status of the certification of aerodromes has been removed, since it isn't the responsibility of the aerodrome operator. The requirement to include information on RFFS, disabled aircraft removal and visual approach slope indicator system comes directly from ICAO Annex 14, 2.13 Standard.</p>
comment	<p>1860 comment by: <i>UK CAA</i></p> <p>Page No: 64</p> <p>Paragraph No: OPS.A.015 (a)</p> <p>Comment: The terminology "pre-flight and in-flight operational information" is not correct and should be replaced by "aerodrome information"</p> <p>Justification: Terminology – what is required is aerodrome information available to aircrew pre-flight and in-flight, which would normally be achieved through the NOTAM and ATIS systems. Additionally, the term "pre-flight and in-flight operational information" is not consistent with the example bullets included.</p> <p>Proposed Text: OPS.A.015 (a) "The aerodrome operator shall make arrangements with the relevant ANS providers to report aerodrome operational information with a minimum of delay. This shall include:".....</p>
response	<p><i>Noted</i></p> <p>The Agency retained the ICAO terminology.</p>
comment	<p>2571 comment by: <i>IATA</i></p> <p>ADR-OPS.A.015 – Coordination between Aerodrome Operators, Aeronautical Information Services Providers and Air Navigation Service Providers</p> <p>Add: Include PAPI or any other equipment that may belong to the aerodrome such as wind socks etc. Why is this paragraph limited to the issues mentioned?</p>

response	<p><i>Noted</i></p> <p>The Agency included all the requirements of ICAO Annex 14, 2.13.</p>
comment	<p>3302 comment by: CAA SR</p> <p>Proposal: (1) Information on the status of certification of aerodromes and aerodrome conditions, disabled aircraft removal, rescue and fire-fighting and visual approach slope indicator systems aids;</p> <p>Argument: PAPI on its own is not of that importance to be defined separately from the visual aids lights /lighting systems.</p>
response	<p><i>Noted</i></p> <p>The provisions are coming directly from ICAO Annex 14, 2.13.</p>
comment	<p>3334 comment by: AEA - Association of European Airlines</p> <p>ADR-OPS.A.015 – Coordination between Aerodrome Operators, Aeronautical Information Services Providers and Air Navigation Service Providers</p> <p>(a) The aerodrome operator shall make arrangements with the relevant ANS providers to report pre-flight and in-flight operational information with a minimum of delay.</p> <p>This shall include: (1) Information on the status of certification of aerodromes and aerodrome conditions, disabled aircraft removal, rescue and fire-fighting and visual approach slope indicator systems;</p> <p>Comments Add: Include PAPI or any other equipment that may belong to the aerodrome such as wind socks etc. Why is this paragraph limited to the issues mentioned?</p>
response	<p><i>Noted</i></p> <p>The Agency included all the requirements of ICAO Annex 14, 2.13.</p>
comment	<p>3499 comment by: Fraport AG</p> <p>ADR-OPS.A.015 - Coordination between Aerodrome Operators, Aeronautical Information Services Providers and Air Navigation Service Providers</p> <p>Editorial</p> <p>Complete paragraph</p> <p>DELETE complete paragraph</p>

	<p>Fraport AG: ADR.OPS.A.015 is already addressed by Regulation (EU) No 73/2010 on Aeronautical Data Quality. Having this again under EASA regulation, its doubled regulation. Proposal is to delete complete paragraph.</p>
response	<p><i>Not accepted</i></p> <p>Regulation (EU) 73/2010 deals with data quality and integrity requirements during the production, storage and transfer of aeronautical data. Coordination issues are not covered by this regulation.</p>

ANNEX III - Part-OPS - ADR-OPS.B.005 — Aerodrome emergency planning
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p. 65

comment	<p>45 comment by: <i>ACI EUROPE - Airports Council International</i> delete "all"</p> <p>Justification: in some countries there might be too many agencies and therefore misses the goal of proper coordination</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly.</p>
comment	<p>228 comment by: <i>SWISS AERODROMES ASSOCIATION</i> The task is not necessarily one of the aerodrome operator (only). The word "establish" in the first sentence should therefore be replaced by "have".</p> <p>Para. (2) needs to be corrected: "all appropriate agencies" should be reformulated in "<u>the</u> appropriate agencies".</p>
response	<p><i>Accepted</i></p> <p>The word "establish" has been replaced with the words "have and implement", in order to ensure the implementation of the plan as well.</p>
comment	<p>311 comment by: <i>BAA Airside operations</i> (2) Replace "all" with "the" "All" is too broad and undefined. There are known agencies involved in emergency response and these are the ones that should be coordinated.</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly.</p>
comment	<p>421 comment by: <i>Edinburgh Airport</i></p>

	ADR.OPS.B.005 (2) Replace "all" with "the" Justification - "All" is too broad and undefined. There are know agencies invloved in emergency response and these are the ones that should be coordinated.			
response	<i>Accepted</i> Text revised accordingly.			
comment	473	comment by: <i>Avinor</i>		
	ADR.OPS.B.005 (2). Delete "all" because in some countries there might be too many agencies and therefore misses the goal of proper coordination.			
response	<i>Accepted</i> Text revised accordingly.			
comment	557	comment by: <i>CAA Austria - Ministry of Transport</i>		
	(1) "other activities conducted in its vicinity" should be clarified and should be extended : with respect of the saftey of aviation The saftey of aviation and within the aerodorme boundaries should always on the top of other considerations.			
response	<i>Accepted</i> Text is revised to reflect also the ICAO Annex 14 9.1.1 Std.			
comment	598	comment by: <i>Flughafen Düsseldorf GmbH</i>		
	2) Der Zusatz "all" ist zu weit gefasst. Besser streichen.			
response	<i>Accepted</i> Text revised accordingly.			
comment	687	comment by: <i>Belfast International Airport - BFS/EGAA</i>		
	(2) Consider changing "all" with "the". There are known agencies involved in emergency response and these are the ones that should be coordinated.			
response	<i>Accepted</i> Text revised accordingly.			
comment	878	comment by: <i>Union des Aéroports français - UAF</i>		
	Attachment #256			
	UAF	NPA	2011-20	(B.I) ADR.OPS.B.005
	Référéncé:			ADR.OPS.B.005
	"The aerodrome operator shall establish an aerodrome emergency plan."			
	Traduction		de	courtoisie
	Should be amended as follows: "The aerodrome operator shall establish			

	<p>have an aerodrome emergency plan." We emphasize that the development of the aerodrome emergency plan is not the responsibility of the aerodrome operator but of the public authorities.</p>
response	<p><i>Accepted</i></p> <p>The word "establish" has been replaced with the words "have and implement", in order to ensure the implementation of the plan as well.</p>
comment	<p>905 comment by: <i>Aéroport La Rochelle - LRH/LFBH</i></p> <p>Attachment #257</p> <p>LFBH NPA 2011-20 (B.I) ADR.OPS.B.005</p> <p>Référence: ADR.OPS.B.005 "The aerodrome operator shall establish an aerodrome emergency plan."</p> <p>Proposition/commentaire Il convient de modifier de la manière suivante: "The aerodrome operator shall establish have an aerodrome emergency plan."</p> <p>Justification Nous insistons sur le fait que l'élaboration du plan d'urgence d'aérodrome n'est pas du ressort de l'exploitant d'aérodrome mais de la puissance publique.</p>
response	<p><i>Accepted</i></p> <p>The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.</p>
comment	<p>935 comment by: <i>Airport Nuremberg - NUE/EDDN</i></p> <p>Since the aerodrome operator cannot account for emergencies in the vicinity of the aerodrome within the emergency plan, it has to be differentiated between planning an emergency (excluding the vicinity of the aerodrome) and coordination and responding to emergencies (including the vicinity of the aerodrome). (1) should be adapted according to ICAO Annex 14 9.1.1, meaning the phrase "or in its vicinity" must be deleted.</p>
response	<p><i>Accepted</i></p> <p>Text is revised to reflect ICAO Annex 14 9.1.1 Std.</p>
comment	<p>1126 comment by: <i>Cologne/Bonn Airport</i></p> <p>(2): delete "all"; too many diferent agencies in Germany</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly.</p>

comment

1171

comment by: ADP : Aeroports de Paris

Référence: ADR.OPS.B.005

"The aerodrome operator shall establish an aerodrome emergency plan."

Proposition/commentaire

Il convient de modifier de la manière suivante: "The aerodrome operator shall establish **have** an aerodrome emergency plan."

Justification

Nous insistons sur le fait que l'élaboration du plan d'urgence d'aérodrome n'est pas du ressort de l'exploitant d'aérodrome mais de la puissance publique.

Traduction de courtoisie

Should be amended as follows: "The aerodrome operator shall ~~establish~~ **have** an aerodrome emergency plan."

We emphasize that the development of the aerodrome emergency plan is not the responsibility of the aerodrome operator but of the public authorities.

response

Accepted

The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome

comment

1202

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX III — Part-OPS — ADR.OPS.B.005 — Aerodrome emergency planning (p65)
- AMC/GM to ANNEX III — Part-OPS — AMC2-ADR-OPS.B.005 — Aerodrome Emergency Plan Document (p133)
- AMC3-ADR-OPS.B.005 — Aerodrome emergency exercise (p133)
- All the corresponding GM (from GM1 to GM12)

2. Justification and proposed text / comment

- This comment is linked with comment 918 in book II.
Implementing rule

The word "*vicinity*" is used instead of "*surroundings*" which is not consistent with the terminology used in the essential requirement B 1 (i). ADR.OPS.B.005 should also allow specifying the limits of the

responsibilities of the aerodrome operator as in some States the establishment and the management of the emergency plan are not the responsibility of the aerodrome operator: in France it is the local State representative's responsibility ("préfet"). In that case the aerodrome operator cannot be responsible of the periodic testing of the emergency plan. Hence some proposed changes to the IR and AMC3:

ADR.OPS.B.005 – Aerodrome emergency planning

"Without prejudice to the system and legal provisions of the relevant Member State, the aerodrome operator shall establish an aerodrome emergency plan that:

(1) is commensurate with the aircraft operations and other activities conducted at the aerodrome or in its vicinity surroundings;

(1bis) defines the tasks and responsibilities of the aerodrome operator relating to an emergency;

(2) provides for the coordination of all appropriate agencies in response to an emergency occurring at an aerodrome or in its vicinity surroundings;

(3) contains procedures for periodic testing of the adequacy of the plan and for reviewing the results in order to improve its effectiveness."

· Acceptable means of compliance

AMC2 –ADR-OPS.B.005 introduces the notion of aerodrome Emergency Plan Document which may be worth. In (a) (5) the word "vicinity" at the end should be replaced by "*surroundings*".

AMC3-ADR-OPS.B.005 has been revised from the provision proposed by the group ADR002 (ADR.002-OPS.715, 2) to align the text with the current provisions of Annex 14 volume 1 and not the ones including aerodrome emergency plan modular testing proposed by the State Letter 11/041 since the Commission has rejected this proposed amendment. But, in France, it is not the responsibility of the aerodrome operator to conduct full scale aerodrome emergency exercise, but the responsibility of the local State representative ("préfet"). In order to take into account the limited responsibility of the aerodrome operator, the AMC3 should be amended as follows:

AMC3-ADR-OPS.B.005 – Aerodrome emergency exercise

"The aerodrome operator should ensure that participate within the limits of its tasks and responsibilities to the tests of the emergency plan is tested by conducting which should include:

(a) a full-scale aerodrome emergency exercise at intervals not exceeding two years; and

(b) partial emergency exercises in the intervening year to ensure that any deficiencies found during the full-scale aerodrome emergency exercise have been corrected;

and reviewed thereafter, or after an actual emergency, so as to correct any deficiency found during such exercises or actual emergency; (we have to check with R1 responses to SL)."

· Guidance materials

The corresponding guidance materials seem overspecifying at this stage and mixes aerodrome emergency plan and RFF provisions. They should be deleted, at least GM3 and GM5 to GM12, because they are not sufficiently mature for European application. Moreover, they were not produced by the formal group in charge of drafting these rules.

response

Accepted

Replacement of the word "vicinity" with "surrounding" is **agreed**.

The Agency acknowledges the fact that the aerodrome emergency plan

could be part of a national or local emergency plan and managed by entities beyond the aerodrome operator. Nevertheless, the aerodrome operator should establish and apply minimum procedures to cope with arising emergencies (e.g. instructions and information to responsible staff to establish contacts with other parties planned to intervene quickly)

comment 1225 comment by: Bristol Airport - BRS/EGGD

ADR.OPS.B.005 (2)	Replace "all" with "the"	"All" is too broad and undefined. There are known agencies involved in emergency response and these are the ones that should be coordinated.
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response *Accepted*

Text revised accordingly.

comment 1274 comment by: BAA Glasgow

Consider changing to -:2) provides for the coordination of all appropriate agencies in response **to all types of** emergency occurring at an aerodrome or in its vicinity in relation to its operation and activity;

response *Noted*

The Agency considers impractical to define all types of emergencies. GM4-ADR.OPS.B.005 provides information on the types of emergencies that may be included in the Aerodrome Emergency Plan Document.

comment 1355 comment by: MST / STR - Stuttgart Airport

- In Abschnitt (1) bzw. (2) „**or in the vicinity**“: Es bleibt unklar, was das genau bedeuten soll. Wie weit (vor allem räumlich gesehen) muss der Airport Betreiber die Umgebung des Flughafens einbeziehen? Das bleibt völlig unklar. Im Zweifel werden die Pflichten des Flughafenbetreibers dadurch unangemessen ausgedehnt.
- Es sollte demnach entweder klargestellt werden, dass sich dies nur auf das unmittelbar angrenzende Gelände des Flughafens bezieht, oder alternativ sollte "or in its vicinity" vollständig gestrichen werden.

response *Noted*

The aerodrome emergency plan considers aircraft operations and other activities conducted at the aerodrome. The aerodrome operator is not responsible to handle emergencies outside the aerodrome, but the emergency plan should include the coordination with other agencies for emergencies in the surrounding of the aerodrome.

comment 1371 comment by: Gatwick Airport Ltd

(2)

	<p>Replace "all" with "the"</p> <p>Justification</p> <p>"All" is too broad and undefined. There are known agencies involved in emergency response and these are the ones that should be coordinated.</p> <p>(3)</p> <p>Delete "contains procedures for" and replace with "details the programme for periodic testing"</p> <p>Justification</p> <p>Full details of the procedures used for testing the plan may be too detailed to be included within it. Frequency of testing is a valid inclusion but procedures may vary between tests</p>
response	<p><i>Noted</i></p> <p>First comment is agreed and text revised accordingly. Second comment is not agreed since it is in line with ICAO Annex 14 9.1.12 Std.</p>
comment	<p>1403 comment by: Zürich Airport</p> <p>ADR-OPS.B.005 – Aerodrome emergency planning <i>TXT</i></p> <p>The aerodrome operator shall establish an aerodrome emergency plan that:</p> <p>(1) delete "or in its vicinity;" (2) delete "or in its vicinity;"</p>
response	<p><i>Noted</i></p> <p>Comment 1 is accepted Comment 2 is not accepted, although the word "vicinity" has been replaced by the word "surrounding" in accordance with the BR.</p>
comment	<p>1600 comment by: Euroairport Bâle-Mulhouse</p> <p>Attachment #258</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.005</p> <p>Référence: ADR.OPS.B.005 "The aerodrome operator shall establish an aerodrome emergency plan."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish have an aerodrome emergency plan." We emphasize that the development of the aerodrome emergency plan is not the responsibility of the aerodrome operator but of the public authorities.</p>
response	<p><i>Accepted</i></p>

The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.

comment 1765 comment by: CAA Norway
We suggest to replace "all" with "**the**". There are known agencies involved in emergency response and these are the ones that should be coordinated.

response *Accepted*
Text revised accordingly.

comment 1815 comment by: Assaeroporti - Associazione Italiana Gestori Aeroporti
(2): we suggest to delete "all" as follows: "provides for the coordination of ~~all~~ appropriate agencies in response [...]". In Italy, as well as in other european countries, there are too many agencies and therefore miss the goal of proper coordination.

response *Accepted*
Text revised accordingly.

comment 1906 comment by: Birmingham Airport - BHX/EGBB
Delete the word 'all' from paragraph (2); potentially too many agencies

response *Accepted*
Text revised accordingly.

comment 1936 comment by: Stansted Airport
ADR.OPS.B.005 (2)
Replace "all" with "the"
"All" is too broad and undefined. There are known agencies involved in emergency response and these are the ones that should be coordinated.

response *Accepted*
Text revised accordingly.

comment 2000 comment by: Geneva International Airport (ROMIG)
ADR.OPS.B.005 (2) - delete the word "all". In some instances there might be too many agencies needed and therefore misses the goal of proper coordination.

response *Accepted*
Text revised accordingly.

comment	2054	comment by: <i>Airport Operators Association</i>
	ADR.OPS.B.005 (2)	Replace "all" with "the". "All" is too broad and undefined.
	Justification - There are known agencies involved in emergency response and these are the ones that should be coordinated.	
response	<i>Accepted</i>	
	Text revised accordingly.	
comment	2055	comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i>
	Attachment #259	
	ADBM - NPA 2011-20 (B.I) ADR.OPS.B.005	
	Référence:	ADR.OPS.B.005
	"The aerodrome operator shall establish an aerodrome emergency plan."	
	Traduction de courtoisie	
	Should be amended as follows: "The aerodrome operator shall establish have an aerodrome emergency plan."	
	We emphasize that the development of the aerodrome emergency plan is not the responsibility of the aerodrome operator but of the public authorities.	
response	<i>Accepted</i>	
	The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.	
comment	2128	comment by: <i>Aéroport de Marseille - MRS/LFML</i>
	Should be amended as follows: "The aerodrome operator shall establish have an aerodrome emergency plan."	
	We emphasize that the development of the aerodrome emergency plan is not the responsibility of the aerodrome operator but of the public authorities.	
response	<i>Accepted</i>	
	The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.	
comment	2162	comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i>
	Attachment #260	
	UAF	NPA 2011-20 (B.I) ADR.OPS.B.005
	Référence:	ADR.OPS.B.005

	<p>"The aerodrome operator shall establish an aerodrome emergency plan."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish have an aerodrome emergency plan." We emphasize that the development of the aerodrome emergency plan is not the responsibility of the aerodrome operator but of the public authorities.</p>
response	<p><i>Accepted</i></p> <p>The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.</p>
comment	<p>2326 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>Should be amended as follows: "The aerodrome operator shall establish have an aerodrome emergency plan."</p> <p>We emphasize that the development of the aerodrome emergency plan is not the responsibility of the aerodrome operator but of the public authorities.</p>
response	<p><i>Accepted</i></p> <p>The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.</p>
comment	<p>2357 comment by: <i>Stansted Airport - Daren BARTHAM</i></p> <p>(b) The aerodrome operator should ensure the plan includes the ready availability of, and coordination with, appropriate specialist rescue services to be able to respond to emergencies where an aerodrome is located close to water and/or swampy areas and where a significant portion of approach or departure operations takes place over these areas. Consider including an assessment of 1,000m area, difficult environs and access roads together.MC1-ADR-OPS.B.005 — Aerodrome Emergency Planning</p>
response	<p><i>Accepted</i></p> <p>A new point (c) has been added in AMC1 - ADR.OPS.B.005</p>
comment	<p>2372 comment by: <i>Stansted Airport - Daren BARTHAM</i></p> <p>Comment 2372 see comments B.II 2600-2604</p> <p>AMC3-ADR-OPS.B.005 — Aerodrome emergency exercise The aerodrome operator should ensure that the emergency plan is tested by conducting: (a) a full-scale aerodrome emergency exercise at intervals not exceeding two years; Consider including proposed modular approach to exercises (currently with</p>

ICAO)

and where a real incident has occurred taking account of lessons.

GM2-ADR-OPS.B.005 — Coordination with other agencies

(d) The aerodrome emergency plan is implemented similarly whether it is an on-airport or an off-airport aircraft accident/incident. Consider

new Item (e) – “Aerodrome operators should assess the level of medical supplies to be held on the aerodrome for emergency purposes.”

Consider new item (f) – “Aerodrome operators should have a policy for incident command agreed with external emergency services.”

Consider new Item (g) – “Rendezvous signs and directional arrows should be consistent and conform to national standards.”

GM3-ADR-OPS.B.005 — Command during emergencies

(a) In an on-airport aircraft accident/incident the aerodrome operator is normally in command Many member states set out that emergency services have command.

GM6-ADR-OPS.B.005 — Types of Emergencies

(1) ‘aircraft accident’: an aircraft accident which has occurred on or in the vicinity of the airport; Consider adding “Aircraft Ground Incident”

GM12 — ADR-OPS.B.005 Emergency Exercises

(c) Tabletop exercises

(1) Tabletop exercises may be held every six months, except during that six month period when a full-scale emergency exercise is held. Is 6 months too onerous?

response *Noted*

Please see similar replies in the AMCs and GM related to aerodrome emergency planning.

comment 2445 comment by: *Aéroport de Tours Val de Loire - TUF/LFOT*
the aerodrome operaor shall have an aerodrome emergency plan

response *Accepted*

The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.

comment 2455 comment by: *Turin Airport - TRN/LIMF*

(2): we suggest to delete "all" as follows: "provides for the coordination of all appropriate agencies in response [...]". In Italy, as well as in other european countries, there are too many agencies and therefore miss the goal of proper coordination.

response *Accepted*

Text revised accordingly.

comment	<p>2479 comment by: <i>Aéroports De Lyon</i></p> <p>A ce jour, le plan d'urgence n'est pas élaboré par le gestionnaire mais par le préfet. Le gestionnaire n'a donc pas le pouvoir d'élaborer un tel dispositif.</p> <p><u>Proposition</u>: Remplacer "establish" par "have"</p>
response	<p><i>Accepted</i></p> <p>The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.</p>
comment	<p>2506 comment by: <i>Munich Airport International</i></p> <p>(2)</p> <p>delete "all"</p> <p>Justification: In Germany there are too many agencies and therefore misses the goal of proper coordination</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly.</p>
comment	<p>2729 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i></p> <p>ADR.OPS.B.005 should also allow specifying the limits of the responsibilities of the aerodrome operator as in some States the establishment and the management of the emergency plan outside the aerodrome are not the responsibility of the aerodrome operator: in Spain it is the local region responsibility . In that case the aerodrome operator cannot be responsible of the periodic testing of the emergency plan outside the aerodrome. Hence some proposed changes to the IR and AMC3:</p> <p>ADR.OPS.B.005 – Aerodrome emergency planning <i>"Without prejudice to the system and legal provisions of the relevant Member State, the aerodrome operator shall establish an aerodrome emergency plan that:</i></p> <p><i>(1) is commensurate with the aircraft operations and other activities conducted at the aerodrome or in its vicinity surroundings;</i></p> <p><i>(1bis) defines the tasks and responsibilities of the aerodrome operator relating to an emergency;</i></p> <p><i>(2) provides for the coordination of all appropriate agencies in response to an emergency occurring at an aerodrome or in its vicinity surroundings;</i></p> <p><i>(3) contains procedures for periodic testing of the adequacy of the plan and for reviewing the results in order to improve its effectiveness."</i></p>
response	<p><i>Accepted</i></p> <p>Replacement of the word "vicinity" with "surrounding" is agreed.</p>

The Agency acknowledges the fact that the aerodrome emergency plan could be part of a national or local emergency plan and managed by entities beyond the aerodrome operator. Nevertheless, the aerodrome operator should establish and apply minimum procedures to cope with arising emergencies (e.g. instructions and information to responsible staff to establish contacts with other parties planned to intervene quickly)

comment 2750 comment by: *Aberdeen Airport Airside Operations*
(2) Replace "all" with "the"

"all" is far too broad and undefined. These are known agencies involved in emergency response and these are the ones that should be co-ordinated

response *Accepted*

Text revised accordingly.

comment 2771 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OPS.B.005 (2)	Replace "all" with "the"	"All" is too broad and undefined. There are known agencies involved in emergency response and these are the ones that should be coordinated.
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response *Accepted*

Text revised accordingly.

comment 2781 comment by: *LJL Airport - Liverpool John Lennon Airport*

See comment B.II 2580

AMC3-ADR-OPS.B.005 — Aerodrome emergency exercise

The aerodrome operator should ensure that the emergency plan is tested by conducting:

(a) a full-scale aerodrome emergency exercise at intervals not exceeding two years

response *Noted*

comment 2782 comment by: *LJL Airport - Liverpool John Lennon Airport*

see comment B.II 2580

AMC3-ADR-OPS.B.005 — Aerodrome emergency exercise

The aerodrome operator should ensure that the emergency plan is tested by conducting:

(a) a full-scale aerodrome emergency exercise at intervals not exceeding two years

response *Noted*

comment 2903 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OPS.B.005	"The aerodrome operator shall establish an aerodrome emergency plan."
Proposition/commentaire	Il convient de modifier de la manière suivante: "The aerodrome operator shall establish have an aerodrome emergency plan."
Justification	Nous insistons sur le fait que l'élaboration du plan d'urgence d'aérodrome n'est pas du ressort de l'exploitant d'aérodrome mais de la puissance publique.
Traduction de courtoisie	Should be amended as follows: "The aerodrome operator shall establish have an aerodrome emergency plan." We emphasize that the development of the aerodrome emergency plan is not the responsibility of the aerodrome operator but of the public authorities.

response *Accepted*

The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.

comment **3020** comment by: *East Midlands Airport - EMA/EGNX*
(2) Replace "All" with "the".

Justification: "All" is too broad and undefined. There are *known* agencies involved in emergency response that should be coordinated.

response *Accepted*

Text revised accordingly.

comment **3051** comment by: *Norwich International Airport*
ADR.OPS.B.005 (2)

Replace "all" with "the"

All" is too broad and undefined. There are known agencies involved in emergency response and these are the ones that should be coordinated.

response *Accepted*

Text revised accordingly.

comment	3205	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	Remove the word "all" from appropriate agencies. Aerodrome operators can not infringe on the responsibilities of outside agencies.	
response	<i>Accepted</i>	
	Text revised accordingly.	
comment	3206	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	aerodrome operators have limited rights outside the aerodrome.	
response	<i>Noted</i>	
comment	3230	comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i>
	Attachment #261	
	SEARD NPA 2011-20 (B.I) ADR.OPS.B.005	
	Référence:	ADR.OPS.B.005
	"The aerodrome operator shall establish an aerodrome emergency plan."	
	Traduction	de courtoisie
	Should be amended as follows: "The aerodrome operator shall establish have an aerodrome emergency plan."	
	We emphasize that the development of the aerodrome emergency plan is not the responsibility of the aerodrome operator but of the public authorities.	
response	<i>Accepted</i>	
	The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.	
comment	3290	comment by: <i>London Biggin Hill Airport</i>
	ADR.OPS.B.005 (2) Replace "all" with "the" "All" is too broad and undefined. There are known agencies involved in emergency response and these are the ones that should be coordinated.	
response	<i>Accepted</i>	
	Text revised accordingly.	
comment	3404	comment by: <i>ADV -German Airports Association</i>
	ADR.OPS.B.005	(2)
	delete "all"	
	Justification	
	In Germany there are too many agencies and therefore misses the goal of proper coordination	

response	<p><i>Accepted</i></p> <p>Text revised accordingly.</p>
comment	<p>3500 comment by: <i>Fraport AG</i></p> <p>ADR-OPS.B.005 - Aerodrome emergency planning (1)</p> <p>Editorial</p> <p>is commensurate with the aircraft operations and other activities conducted at the aerodrome or in its vicinity;</p> <p>Proposed Text</p> <p>is commensurate with the aircraft operations and other activities conducted at the aerodrome or in its vicinity if aircrafts are involved;</p> <p>Fraport AG:</p> <p>It should be specified, that the emergency plan for the infinity only has to be provided for situations outside the aerodrome where an aircraft is involved.</p>
response	<p><i>Noted</i></p> <p>The words "on its vicinity" have been deleted to align with ICAO Annex 14, 9.1.1 Std.</p>
comment	<p>3501 comment by: <i>Fraport AG</i></p> <p>ADR-OPS.B.005 - Aerodrome emergency planning (2)</p> <p>Editorial</p> <p>provides for the coordination of all appropriate agencies in response to an emergency occurring at an aerodrome or in its vicinity;</p> <p>Proposed Text</p> <p>provides for the coordination of the appropriate agencies in response to an emergency occurring at an aerodrome or in its vicinity;</p> <p>Fraport AG:</p> <p>in some countries there might be too many agencies and therefore misses the goal of proper coordination</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly.</p>
comment	<p>3510 comment by: <i>Aéroport Paris Vatry - XCR/LFOK</i></p> <p>NPA 2011-20 (B.I) ADR.OPS.B.005</p> <p>Référence: ADR.OPS.B.005</p> <p>"The aerodrome operator shall establish an aerodrome emergency plan."</p>

	<p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish have an aerodrome emergency plan." We emphasize that the development of the aerodrome emergency plan is not the responsibility of the aerodrome operator but of the public authorities.</p>
response	<p><i>Accepted</i></p> <p>The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.</p>
comment	<p>3546 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i> NPA 2011-20 (B.I) ADR.OPS.B.005 Référence: ADR.OPS.B.005 "The aerodrome operator shall establish an aerodrome emergency plan." Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish have an aerodrome emergency plan." We emphasize that the development of the aerodrome emergency plan is not the responsibility of the aerodrome operator but of the public authorities.</p>
response	<p><i>Accepted</i></p> <p>The word "establish" has been replaced with "have and implement", in order to ensure also the implementation of the emergency plan at the aerodrome.</p>

ANNEX III - Part-OPS - ADR-OPS.B.010 – Rescue and fire-fighting services

p. 65

comment	<p>201 comment by: <i>Manchester Airport plc</i> At (2) suggest that the word 'facilities' is inserted after 'adequate'.</p>
response	<p><i>Accepted</i></p> <p>It is most appropriate to insert the word "facilities" in (a) (1) because (a) (2) refers to things that have to be mobilised.</p>
comment	<p>253 comment by: <i>KLM</i> Medical fitness to be clarified</p>
response	<p><i>Accepted</i></p> <p>The issue of the medical fitness will be dealt in more details in the future.</p>
comment	<p>868 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p>

1. Affected paragraphs

- ANNEX III — Part-OPS - ADR-OPS.B.010 — Rescue and fire-fighting services (p65)

2. Justification and proposed text / comment

This comment is **critical**. This IR should take into account the organisation of the member State.

- Paragraph (a)(1) and (a)(2)

ADR-OPS.B.010 shall include the RFF objective stated in ICAO Annex 14 volume 1- provision 9.2- Introductory note, which specifies that *“the principal objective of a rescue and fire fighting service is to save lives in the event of an aircraft accident or incident occurring at, or in the immediate vicinity of, an aerodrome”*, within the following limits: *“the rescue and fire fighting service is provided to create and maintain survivable conditions, to provide egress routes for occupants and to initiate the rescue of those occupants unable to make their escape without direct aid.”*

European rules are using the word “surroundings” instead of “vicinity”. (See Reg 216-2008 – Chapter 1 article 1 & article 8A).

DGAC thus proposes the following amendments to paragraph (a)(1) and (a)(2) of ADR-OPS.B.010:

ADR-OPS.B.010 — Rescue and fire-fighting services

“(a) The aerodrome operator shall ensure that:

(1) aerodrome rescue and fire-fighting equipment and services are provided in order to save lives in the event of an aircraft accident or incident occurring at, or in the immediate surroundings of, the aerodrome;
(2) adequate equipment, fire extinguishing agents and sufficient personnel are available in a timely manner with the operational objective of creating and maintaining survivable conditions, to provide egress routes for occupants and to initiate the rescue of those occupants unable to make their escape without direct aid;

[...]”

- Paragraph (a)(3)

In paragraph (a) (3) of ADR-OPS.B.010, the word “qualified” should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, which France already transposed for some professions; all the more than the corresponding requirement is already covered by paragraph (b) of ADR-OPS.B.010.

In France, it is not the responsibility of the aerodrome operator to check that RFF personnel are trained, but it is the responsibility of the local State representative (“préfet”). The current wording specifically assigns this responsibility to the aerodrome operator which is in contradiction with the French system and legal provisions. It is essential to provide flexibility for this item. Thus, DGAC proposes to indicate that this is done *“without prejudice to the system and legal provisions of the relevant Member State”*.

ADR-OPS.B.010 — Rescue and fire-fighting services

“(a) [...]”

(3) rescue and fire-fighting personnel are properly trained and equipped and ~~qualified to operate in the aerodrome environment~~ without prejudice

	<i>to the system and legal provisions of the relevant Member State; [...]"</i>					
response	<i>Noted</i>					
	The comments for (a) (1) and (a) (2) have been partially agreed and the proposed text has been included in GM1-ADR.OPS.B.010.					
	Concerning the comment in (a) (3) for the qualification of RFFS personnel, it is not agreed since it comes directly from Annex Va B.1.(m) of the BR.					
comment	880	comment by: <i>Union des Aéroports français - UAF</i>				
	Attachment #262					
	UAF	NPA	2011-20	(B.I)	ADR.OPS.B.010	(a)
	Référence: ADR.OPS.B.010 (a)					
	"The aerodrome operator shall ensure that: ..."					
	Traduction de courtoisie					
	Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences that: ..."					
	Cf. General comment n°2.					
response	<i>Accepted</i>					
	The issue has been addressed in a new implementing rule ADR.OPS.B.001.					
comment	882	comment by: <i>Union des Aéroports français - UAF</i>				
	Attachment #263					
	UAF	NPA	2011-20	(B.I)	ADR.OPS.B.010	(a) (3)
	Référence: ADR.OPS.B.010 (a) (3)					
	"Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment."					
	Traduction de courtoisie					
	Should be amended as follows: "Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment."					
	Firefighting personnel of aerodrome has just to be properly trained and equipped. There is no need for a required qualification or a diploma.					
response	<i>Not accepted</i>					
	According to Annex Va, B.1.(m), rescue and fire fighting personnel shall be properly trained and qualified .					
comment	883	comment by: <i>Union des Aéroports français - UAF</i>				
	Attachment #264					
	UAF	NPA	2011-20	(B.I)	ADR.OPS.B.010	(b)

	<p>Référence: ADR.OPS.B.010 (b) "The aerodrome operator shall implement and maintain training and check programmes to ensure the continuing competence of rescue and fire-fighting personnel."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall implement and maintain training and check programmes within the limits of its competences to ensure the continuing competence of rescue and fire-fighting personnel." Cf. General comment n°2.</p>
response	<p><i>Noted</i></p> <p>This requirement has been deleted since it is covered by ADR.OR.D.017</p>
comment	<p>1050 comment by: <i>Dublin Airport Authority</i></p> <p>Ref "(2)</p> <p>Insert "facilities" after adequate.</p>
response	<p><i>Accepted</i></p> <p>It is most appropriate to insert the word "facilities" in (a) (1) because (a) (2) refers to things that have to be mobilised.</p>
comment	<p>1120 ❖ comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX I - Part-AR - ADR.AR.B.005 (a) (2) — Management System (p20) • AMC/GM to ANNEX I — Part-AR — GM2-ADR.AR.B.005 AR-200(a) — Management system (p10) • ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51-52) • ANNEX II - Part-OR - ADR.OR.D.035 — Record keeping (p55) • AMC/GM to ANNEX II — Part-OR — AMC1-ADR.OR.D.015(e) — Personnel requirements (p100) • AMC/GM to ANNEX II — Part-OR — GM1-ADR.OR.D.015 AR200(e) — Personnel requirements (p100) • ANNEX III — Part-OPS - ADR-OPS.B.010 (a)(3) — Rescue and fire-fighting services (p65) • AMC/GM to ANNEX III — Part-OPS —AMC-ADR-OPS. B.055 — Fuel quality (p160) • ANNEX III — Part-OPS —ADR-OPS.B.060 — Access to the movement area (p67-68) <p><u>2. Justification and proposed text / comment</u></p> <p>This comment is linked with comment 869 in book II. This comment is critical, as this is linked to an important European directive, it would be very stringent to implement it and the specifications quoted contradict themselves.</p>

All personnel do not have to receive a "qualification", as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions. **This word ("qualification") should not be used with the meaning of the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.**

All personnel do not have to receive a "qualification", as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions and it is very stringent.

However, it seems to be the meaning used here as specified in **AMC1-ADR.OR.D.015(e)**.

What is to be evaluated is the competency of people (including their training, their diploma, their skills). Training is generally adapted to the competency: some provisions use "competency" (which is adequate) and some others use "qualification".

Moreover, those specifications are not consistent as, for instance, GM2-ADR.AR.B.005 AR.200(a) which contradicts GM3-ADR.AR.B.005 (a)(2) which says that the aim is to ensure "personnel remain competent".

GM2-ADR.AR.B.005 AR.200(a) includes a non-adequate definition, and even say that "qualification does not necessarily imply competence", which is wrong.

It is consequently asked to delete references to "qualifications", which is an important remark from France, and to replace it by "competency". It is asked to delete references to the European directive, and to revise GM2-ADR.AR.B.005 AR.200(a) and GM3-ADR.AR.B.005 which define these words.

Proposal:

"ADR.AR.B.005 – Management system

(a) [...]

(2) [...] *Such personnel shall be ~~qualified~~ **competent** to perform their allocated tasks [...]*"

"GM2-ADR.AR.B.005 AR.200(a)(2) – Management system

~~QUALIFICATION~~ **COMPETENCY OF PERSONNEL**

*The term ~~qualification~~ **competency** denotes fitness for the purpose through fulfilment of the necessary conditions such as completion of required training, or acquisition of a diploma or degree.*

~~Qualification~~ *It could also be interpreted to mean capacity, knowledge, or skill that matches or suits an occasion, or makes someone eligible for a duty, office, position, privilege, or status.*

~~Qualification does not necessarily imply competence.~~

Certain posts may by nature be associated with the possession of certain qualifications in a specific field (e.g. civil or electrical engineering, wildlife biology etc.). In such cases, the person occupying such a post is expected to possess the necessary qualifications at a level that is in accordance with

the applicable national or community legislation.”

“ADR.OR.D.015 – Personnel requirements

[...]

(d) The aerodrome operator shall have sufficient and ~~qualified~~ **competent** personnel for the planned tasks and activities to be performed in accordance with the applicable requirements.

(e) The aerodrome operator shall maintain appropriate qualification, **if relevant**, and training records [...].”

“ADR.OR.D.035 – Record-keeping

[...]

(d) [...]

(5) personnel training, qualifications, **if relevant**, and medical records [...].”

“AMC1-ADR.OR.D.015(e) – Personnel requirements

DETERMINATION OF PERSONNEL NEEDS AND QUALIFICATIONS

(a) [...]

(b) The aerodrome operator should determine the required **competencies** ~~qualifications~~, in accordance with the applicable requirements (and the national and European Union legislation where this is applicable, **for qualifications**), and include them in the aerodrome manual. A documented system with defined responsibilities should be in place, in order to identify any needs for changes with regard to personnel qualifications **and/or competency**.”

“GM1-ADR.OR.D.015 AR200(e) – Personnel requirements

~~QUALIFICATION~~ **COMPETENCY OF PERSONNEL**

The term ~~qualification~~ **competency** denotes fitness for the purpose through fulfilment of the necessary conditions such as completion of required training, or acquisition of a diploma or degree. ~~Qualification~~ **It** could also be interpreted to mean capacity, knowledge, or skill that matches or suits an occasion, or makes someone eligible for a duty, office, position, privilege, or status.

~~Qualification does not necessarily imply competence.~~

Certain posts may by nature be associated with the possession of certain qualifications in a specific field (e.g. rescue and fire-fighting, civil, mechanical or electrical engineering, wildlife biology etc.). In such cases, the person occupying such a post is expected to possess the necessary qualifications at a level that is in accordance with the applicable national or European Union legislation.”

ADR-OPS.B.010 – Rescue and fire-fighting services

“(a) [...]

(3) rescue and fire-fighting personnel are properly trained **and equipped** ~~and qualified to operate in the aerodrome environment without prejudice to the system and legal provisions of the relevant Member State;~~

[...]”

AMC-ADR-OPS.B.055 – Fuel quality (linked with comment n°908 on responsibilities)

“(a) Without prejudice to the system and legal provisions of the relevant Member State, ~~t~~The aerodrome operator should ensure, either by itself or through formal arrangements with third parties, that organisations involved in storing and dispensing of fuel to aircraft, ~~implement~~ **have**

	<p><i>procedures to:</i> [...] (4) Use adequately qualified and trained staff in storing, dispensing and otherwise handling fuel on the aerodrome."</p>
response	<p><i>Not accepted</i></p> <p>The comment on ADR-OPS.B.010 is not agreed. According to Annex Va, B.1.(m), rescue and fire fighting personnel shall be properly trained and qualified.</p>
comment	<p>1147 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>It is important to have the aerodrome operator's responsibility limited <u>within its competence</u> as said in BR.</p> <p>The requirement for "properly trained and equipped" personnel is sufficient. There is no need to require a qualification</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p> <p>According to Annex Va, B.1.(m), rescue and fire fighting personnel shall be properly trained and qualified.</p>
comment	<p>1175 comment by: <i>ADP : Aeroports de Paris</i></p> <p>Référence: ADR.OPS.B.010 (a) "The aerodrome operator shall ensure that: ..."</p> <p>Proposition/commentaire Il convient de modifier de la manière suivante: "The aerodrome operator shall ensure <u>within the limits of its competences</u> that: ..."</p> <p>Justification Cf. 3ieme Commentaire général n°2867.</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure <u>within the limits of its competences</u> that: ..."</p> <p>Cf. 3rd General comment n°2867.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>1178 comment by: <i>ADP : Aeroports de Paris</i></p> <p>Référence: ADR.OPS.B.010 (a) (3) "Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment."</p>

Proposition/commentaire Il convient de modifier de la manière suivante: "Rescue and fire-fighting personnel are properly trained, equipped and ~~qualified~~ to operate in the aerodrome environment."

Justification Il suffit que les pompiers d'aérodrome soient convenablement formés et équipés. Il n'y a pas de nécessité d'une qualification ou d'un diplôme obligatoire.

Traduction de courtoisie

Should be amended as follows: "Rescue and fire-fighting personnel are properly trained, equipped and ~~qualified~~ to operate in the aerodrome environment."

Firefighting personnel of aerodrome has just to be properly trained and equipped. There is no need for a required qualification or a diploma.

response *Not accepted*

According to Annex Va, B.1.(m), rescue and fire fighting personnel shall be properly trained and **qualified**.

comment

1180

comment by: ADP : Aeroports de Paris

Référence: ADR.OPS.B.010 (b) "The aerodrome operator shall implement and maintain training and check programmes to ensure the continuing competence of rescue and fire-fighting personnel."

Proposition/commentaire Il convient de modifier de la manière suivante: "The aerodrome operator shall implement and maintain training and check programmes **within the limits of its competences** to ensure the continuing competence of rescue and fire-fighting personnel."

Justification Cf. 3ieme Commentaire général n°2867.

Traduction de courtoisie

Should be amended as follows: "The aerodrome operator shall implement and maintain training and check programmes **within the limits of its competences** to ensure the continuing competence of rescue and fire-fighting personnel."

Cf. 3rd General comment n°2867.

response *Noted*

This requirement has been deleted since it is covered by ADR.OR.D.017

comment

1281

comment by: BAA Glasgow

(2) Insert "facilities" after adequate. Change "in a timely manner" to "for immediate response" which is more in line with what would be expected in an emergency situation.

(4)

Remove "potentially" and insert "operationally"

Insert after fitness "in line with National Fire Industry guidelines"

	<p>Référence: ADR.OPS.B.010 (a) "The aerodrome operator shall ensure that: ..."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences that: ..." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>1603 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #267</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.010 (b)</p> <p>Référence: ADR.OPS.B.010 (b) "The aerodrome operator shall implement and maintain training and check programmes to ensure the continuing competence of rescue and fire-fighting personnel."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall implement and maintain training and check programmes within the limits of its competences to ensure the continuing competence of rescue and fire-fighting personnel." Cf. General comment n°2.</p>
response	<p><i>Noted</i></p> <p>This requirement has been deleted since it is covered by ADR.OR.D.017</p>
comment	<p>1792 comment by: <i>Belgian CAA</i></p> <p>The Belgian CAA does not agree with the fact that almost the whole ICAO Annex 14 chapter 9.2 on Rescue and Fire Fighting is copied into AMC and GM. ICAO standards have to be respected and have to be covered on the level of implementing rules that are legally binding. The aerodrome category for rescue and fire fighting, the number of vehicles, the quantity of extinguishing agents, the response time and the training of the personnel are topics that should be strictly regulated.</p>
response	<p><i>Noted</i></p>
comment	<p>1862 comment by: <i>UK CAA</i></p> <p>Page No: 65</p> <p>Paragraph No: ADR-OPS.B.010 – Rescue and fire-fighting services, (a) (1)</p> <p>Comment: The word "facilities" to be inserted after "fire-fighting"</p> <p>Justification: To include the word facilities would cover fire stations</p>

provided under CS-ADR-DSN.T905 (a) "All rescue and fire-fighting vehicles should normally be housed in a fire station."

The IR would then also link to AMC-ADR-OPS.C.005 – General which says "The aerodrome operator should ensure that a maintenance programme is established, including preventative maintenance where appropriate to maintain aerodrome facilities in a condition which does not impair the safety of aeronautical operations." Which implies that facilities should be provided but the IR for fire and rescue services does not include them.

Proposed Text: "(1) aerodrome rescue and fire-fighting **facilities**, equipment and services are provided;"

response *Accepted*

Text revised

comment *1880* comment by: *East Midlands Airport - EMA/EGNX*

At (2) suggest that the word 'facilities' is added after 'adequate'.

response *Noted*

(a) (2) covers the equipment and all the moving parts. The word facilities has been included in (a) (1)

comment *1933* comment by: *Aéroport Nantes Atlantique - NTE/LFRS*

Attachment [#268](#)

UAF NPA 2011-20 (B.I) ADR.OPS.B.010 (a)

Référence: ADR.OPS.B.010 (a)
"The aerodrome operator shall ensure that: ..."

Traduction de courtoisie
Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences that: ..."
Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment *2050* comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#269](#)

ADBM - NPA 2011-20 (B.I) ADR.OPS.B.010 (a)

Référence: ADR.OPS.B.010 (a)
"The aerodrome operator shall ensure that: ..."

Traduction de courtoisie
Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences that: ..."

	Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2080 comment by: <i>London Luton Airport Operations Ltd</i> (2) adequate equipment, fire extinguishing agents and sufficient personnel are available in a timely manner; Insert "facilities" after adequate.
response	<i>Accepted</i> It is most appropriate to insert the word "facilities" in (a) (1) because (a) (2) refers to things that have to be mobilised.
comment	2148 comment by: <i>Aéroport de Marseille - MRS/LFML</i> Should be amended as follows: "Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment." Firefighting personnel of aerodrome has just to be properly trained and equipped. There is no need for a required qualification or a diploma Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences that: ..." Should be amended as follows: "The aerodrome operator shall implement and maintain training and check programmes within the limits of its competences to ensure the continuing competence of rescue and fire-fighting personnel."
response	<i>Partially accepted</i> According to Annex Va, B.1.(m), rescue and fire fighting personnel shall be properly trained and qualified . Point (b) has been deleted since it is covered by ADR.OR.D.017
comment	2229 comment by: <i>ENAC Ente Nazionale per l'Aviazione Civile</i> Rephrase (b) as follows: "The aerodrome operator shall ensure that training and check programmes are implemented and maintained to guarantee the continuing competence of rescue and fire-fighting personnel".
response	<i>Noted</i> This requirement has been deleted since it is covered by ADR.OR.D.017
comment	2321 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i> Should be amended as follows: "The aerodrome operator shall implement and maintain training and check programmes within the limits of its competences to ensure the continuing competence of rescue and fire-fighting personnel."

	Cf. General comment n°2.
response	<p><i>Noted</i></p> <p>This requirement has been deleted since it is covered by ADR.OR.D.017</p>
comment	<p>2323 comment by: Pau Pyrénées Airport - PUF/LFBP</p> <p>Should be amended as follows: "Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment."</p> <p>Firefighting personnel of aerodrome has just to be properly trained and equipped. There is no need for a required qualification or a diploma.</p>
response	<p><i>Not accepted</i></p> <p>According to Annex Va, B.1.(m), rescue and fire fighting personnel shall be properly trained and qualified.</p>
comment	<p>2325 comment by: Pau Pyrénées Airport - PUF/LFBP</p> <p>Should be amended as follows: "The aerodrome operator shall ensure <u>within the limits of its competences</u> that: ..."</p> <p>Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2358 comment by: Stansted Airport - Daren BARTHAM</p> <p>ADR-OPS.B010 - Rescue and Fire-fighting Services (2) adequate equipment, fire extinguishing agents and sufficient personnel are available in a timely manner; Insert "facilities" after adequate.</p>
response	<p><i>Accepted</i></p> <p>It is most appropriate to insert the word "facilities" in (a) (1) because (a) (2) refers to things that have to be mobilised.</p>
comment	<p>2374 comment by: Stansted Airport - Daren BARTHAM</p> <p>Comment 2374 ♦ℓℓ ℔□○ℓ■◆ B.II 2605-2610</p> <p>AMC2-ADR-OPS.B.010 — RFFS level of protection</p> <p>(3) If the number of expected movements of the aeroplanes in the RFF category is less than 700 in the busiest consecutive three months, the level of protection is not less than one category below the determined category; Remission in the UK has been removed from Cat 3-10 airports. Any reduction would need to consider the implications on Task and Resource Analysis dealing with fire and rescue operations.</p>

AMC3-ADR-OPS.B.010 — Number of RFFS vehicles and rescue equipment

(a) The aerodrome operator should ensure that:

(1) the minimum number of rescue and fire-fighting vehicles at the aerodrome, will be in accordance with the following table
Category 5 with remission would allow an A320 size aircraft to be dealt with by one vehicle.

For a Category 10 aircraft (A380) tactics may require 4 sectors and hence 4 vehicles.

AMC4-ADR-OPS.B.010 — Extinguishing agents

(b) Principal extinguishing agent includes:

(3) a foam meeting the minimum performance level C; or **Level C foam is not yet confirmed by ICAO.**

(d) The amounts of water for foam production and of the complementary agents provided on the rescue and fire-fighting vehicles are in accordance with the determined aerodrome category and Table 1; **This table is copied from ICAO and is based on the average size of aircraft. Operations for larger aircraft in the category should require a re-calculation.**

except that for aerodrome categories 1 and 2, up to 100 % of the water may be replaced by complementary agent. **Wording is incorrect - only Categories 1 and 2 can substitute up to 100%.**

(i) The discharge rate of complementary agents is not less than the values shown in

Table 1. **Suggest new item (j) - "The amount of foam concentrate provided on a vehicle should be sufficient to produce at least two loads of foam solution."Also**

New Item (k) - "A quantity of gaseous agent or CO2 should be provided for use on engine fires."

Also insert New Item (l) - "A 200% reserve of foam concentrate and 100% of complementary agents should be available at the aerodrome."

New item (m) - "Arrangements should be in place to manage the storage and testing of extinguishing agents."

New Item (n) - " A water needs analysis should be conducted to determine the availability of sufficient quantities of water for fire fighting."

AMC5-ADR-OPS.B.010 — Response time

(a) The aerodrome operator should ensure that:

(1) Rescue and fire-fighting service achieve a response time of two minutes, but in no case exceeding three minutes, to any point of each operational runway, in optimum visibility and surface conditions; **Consider adding that 50% of required discharge rate is available within response time.**

(3) Any vehicle, other than the first responding vehicle(s), required to deliver the amount of extinguishing agents specified in Table 1 of AMC4-ADR-OPS.B.010 achieve continuous agent application and arrive in three minutes, but in no case exceeding four minutes, from the initial call; **There is a potential for a gap in media production of 1 minute. The time from the first arriving to backup should be 1 minute.**

AMC6-ADR-OPS.B.010 — Personnel

(a) The aerodrome operator should ensure that:

(1) During flight operations, sufficient trained personnel is detailed and readily available to ride the rescue and fire-fighting vehicles and to operate the equipment at maximum capacity **Consider adding after flight operations "and 15 minutes after departure"**. **Consider adding requirement for personnel to be determined by a Task and Resource Analysis.**

GM2-ADR-OPS.B.010 — Communication System

(a) Communication means are provided for direct communication between the rescue and fire-fighting service and the flight crew of an aircraft in emergency; **Consider this should be an AMC.**

(c) Communication means are provided to ensure two-way communication with the rescue and fire-fighting vehicles in attendance at an aircraft accident or incident. **Add in Item (d) - "Communication between crew members should be provided." Add in Item (e) - "A system for monitoring the movement area for incidents should be provided."**

response

Noted

Please refer to replies on similar comments at the respective parts

comment

2379

comment by: Stansted Airport - Daren BARTHGRAM

Comment 2379 ♦ℓℓ ℘□○◊ℓ■◆ B.II 2611

Paragraph No: AMC4-ADR-OPS.B010

Comment: For all-cargo operations the amounts of media should be related to the Practical Critical Area of the aircraft based on the crew seating area and adjacent emergency exits.

Justification: Rescue and fire-fighting standards are based on the saving of life therefore for those aircraft which are cargo only the RFFS requirements need only be based on the part of the plane where the crew sit during take-off and landing and adjacent exits. However the emergency pan for the aerodrome and consideration of the aircraft by its operator may require a greater response.

Proposed Text: New Item (q) "Subject to the approval of the Competent Authority, the amounts of media in Table 1 can be adjusted for all-cargo operations if the principle of controlling fire within the Practical Critical Area is applied to the crew seating areas and adjacent exit routes. It is recognised that the aerodrome and aircraft operator may require greater amounts of fire-fighting media to deal with the risks adjacent to the aerodrome or the loss of the aircraft.

response

Noted

The issue of all cargo aircraft operations will be dealt in the future.

comment	2430 comment by: <i>Dublin Airport Authority</i> In (2), insert "facilities" after adequate.
response	<i>Accepted</i> It is most appropriate to insert the word "facilities" in (a) (1) because (a) (2) refers to things that have to be mobilised.
comment	2543 comment by: <i>Shannon Airport</i> (a) 2 Insert "facilities" after adequate.
response	<i>Accepted</i> It is most appropriate to insert the word "facilities" in (a) (1) because (a) (2) refers to things that have to be mobilised.
comment	2555 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i> · <u>Paragraph (a)(3)</u> In paragraph (a) (3) of ADR-OPS.B.010, the word "qualified" should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications; all the more than the corresponding requirement is already covered by paragraph (b) of ADR-OPS.B.010. ADR-OPS.B.010 – Rescue and fire-fighting services "(a) [...]" (3) <i>rescue and fire-fighting personnel are properly trained and equipped and qualified to operate in the aerodrome environment</i>
response	<i>Not accepted</i> According to Annex Va, B.1.(m), rescue and fire fighting personnel shall be properly trained and qualified .
comment	2778 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i> ADR-OPS.B010 - Rescue and Fire-fighting Services (2) adequate equipment, fire extinguishing agents and sufficient personnel are available in a timely manner; Insert "facilities" after adequate
response	<i>Accepted</i> It is most appropriate to insert the word "facilities" in (a) (1) because (a) (2) refers to things that have to be mobilised.
comment	2783 comment by: <i>LJL Airport - Liverpool John Lennon Airport</i> See comment B.II 2583

AMC2-ADR-OPS.B.010 — RFFS level of protection

(3) If the number of expected movements of the aeroplanes in the RFF category is less than 700 in the busiest consecutive three months, the level of protection is not less than one category below the determined category; **Remission in the UK has been removed from Cat 3-10 airports. Any reduction would need to consider the implications on Task and Resource Analysis dealing with fire and rescue operations.**

response *Noted*

Refer to similar response in AMC2-ADR.OPS.B.010

comment

2789

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.OPS.B.010 (a)	"The aerodrome operator shall ensure that: ..."
Proposition/commentaire	Il convient de modifier de la manière suivante: "The aerodrome operator shall ensure within the limits of its competences that: ..."
Justification	Cf. Commentaire général n°2.
Traduction de courtoisie	Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences that: ..." Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment

2791

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.OPS.B.010 (a) (3)	"Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment."
Proposition/commentaire	Il convient de modifier de la manière suivante: "Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment."
Justification	Il suffit que les pompiers d'aérodrome soient convenablement formés et équipés. Il n'y a pas de nécessité d'une qualification ou d'un diplôme obligatoire.
Traduction de courtoisie	Should be amended as follows: "Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment." Firefighting personnel of aerodrome has just to be properly trained and equipped. There is no need for a required qualification or a diploma.

response *Not accepted*

According to Annex Va, B.1.(m), rescue and fire fighting personnel shall be properly trained and **qualified**.

comment

2792

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.OPS.B.010 (b)	"The aerodrome operator shall implement and maintain training and check programmes to ensure the continuing competence of rescue and fire-fighting personnel."
Proposition/commentaire	Il convient de modifier de la manière suivante: "The aerodrome operator shall implement and maintain training and check programmes within the limits of its competences to ensure the continuing competence of rescue and fire-fighting personnel."
Justification	Cf. Commentaire général n°2.
Traduction de courtoisie	Should be amended as follows: "The aerodrome operator shall implement and maintain training and check programmes within the limits of its competences to ensure the continuing competence of rescue and fire-fighting personnel." Cf. General comment n°2.

response *Noted*

This requirement has been deleted since it is covered by ADR.OR.D.017

comment	<p>3012 comment by: <i>Roskilde Airport</i></p> <p>Roskilde Airport (EKRK): For aerodromes with a wide mix in applicable A/C sizes, it should be clarified that, during periods when the aerodrome only operates small A/C, no rescue and firefighting service need to be present/provided. Justification: It will be a major cost increase if RFFS is to be provided at all times - regardless of the traffic pattern. Suggestion: Add a section describing that RFFS need not be at readiness during periods when the expected A/C traffic is below 10 tons MTOW or with less the 20 passenger seats.</p>
response	<p><i>Not accepted</i></p> <p>During the hours of operation of the aerodrome RFFS shall be available. The determination of the RFFS category of the aerodrome is not related to the MTOW or the number of seats in the aircraft</p>
comment	<p>3091 comment by: <i>Norwich International Airport</i></p> <p>ADR-OPS.B010 - Rescue and Fire-fighting Services</p> <p>(2) adequate equipment, fire extinguishing agents and sufficient personnel are available in a timely manner;</p> <p>Insert "facilities" after adequate.</p>
response	<p><i>Accepted</i></p> <p>It is most appropriate to insert the word "facilities" in (a) (1) because (a) (2) refers to things that have to be mobilised.</p>
comment	<p>3167 comment by: <i>Isavia</i></p> <p>Replace "properly trained" by "competent" Ref. ICAO State letter part B II ops 148</p>
response	<p><i>Not accepted</i></p> <p>The wording is coming from Annex Va, B.1 (m) of the BR</p>
comment	<p>3229 comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i></p> <p>Attachment #270</p> <p>SEARD NPA 2011-20 (B.I) ADR.OPS.B.010 (a)</p> <p>Référence: ADR.OPS.B.010 (a) "The aerodrome operator shall ensure that: ..."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure</p>

	<p>within the limits of its competences that: ..." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>3320 comment by: DAA Cork Airport</p> <p>(a) (2) - Incert "facilities" after adequate.</p>
response	<p><i>Accepted</i></p> <p>It is most appropriate to insert the word "facilities" in (a) (1) because (a) (2) refers to things that have to be mobilised.</p>
comment	<p>3324 comment by: Southampton Airport</p> <p>EASA should consider a relaxation of RFFS requirements for aerodromes to permit a lower category in some circumstances for aircraft carrying out cargo operations.</p>
response	<p><i>Noted</i></p>
comment	<p>3413 comment by: EAL AFS - Edinburgh Airport</p> <p>ADR-OPS.B010 - Rescue and Fire-fighting Services</p> <p>(2) adequate equipment, fire extinguishing agents and sufficient personnel are available in a timely manner;</p> <p>Insert "facilities" after adequate.</p>
response	<p><i>Accepted</i></p> <p>It is most appropriate to insert the word "facilities" in (a) (1) because (a) (2) refers to things that have to be mobilised.</p>
comment	<p>3532 comment by: SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</p> <p>Attachment #271</p> <p>SEARD NPA 2011-20 (B.I) ADR.OPS.B.010 (b)</p> <p>Référence: ADR.OPS.B.010 (b)</p> <p>"The aerodrome operator shall implement and maintain training and check programmes to ensure the continuing competence of rescue and fire-fighting personnel."</p> <p>Traduction de courtoisie</p> <p>Should be amended as follows: "The aerodrome operator shall implement and maintain training and check programmes within the limits of its competences to ensure the continuing competence of rescue and fire-fighting personnel."</p>

	Cf. General comment n°2.
response	<i>Noted</i> This requirement has been deleted since it is covered by ADR.OR.D.017
comment	<p>3577 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #272</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OPS.B.010 (a) (3)</p> <p>Référence: ADR.OPS.B.010 (a) (3) "Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment."</p> <p>Traduction de courtoisie Should be amended as follows: "Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment." Firefighting personnel of aerodrome has just to be properly trained and equipped. There is no need for a required qualification or a diploma.</p>
response	<i>Not accepted</i> According to Annex Va, B.1.(m), rescue and fire fighting personnel shall be properly trained and qualified .
comment	<p>3578 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #273</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OPS.B.010 (b)</p> <p>Référence: ADR.OPS.B.010 (b) "The aerodrome operator shall implement and maintain training and check programmes to ensure the continuing competence of rescue and fire-fighting personnel."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall implement and maintain training and check programmes within the limits of its competences to ensure the continuing competence of rescue and fire-fighting personnel." Cf. General comment n°2.</p>
response	<i>Noted</i> This requirement has been deleted since it is covered by ADR.OR.D.017
comment	3599 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i>

	Attachment #274
	UAF NPA 2011-20 (B.I) ADR.OPS.B.010 (a) (3)
	Référence: ADR.OPS.B.010 (a) (3) "Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment."
	Traduction de courtoisie Should be amended as follows: "Rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment." Firefighting personnel of aerodrome has just to be properly trained and equipped. There is no need for a required qualification or a diploma.
response	<i>Not accepted</i> According to Annex Va, B.1.(m), rescue and fire fighting personnel shall be properly trained and qualified .
comment	3600 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i>
	Attachment #275
	UAF NPA 2011-20 (B.I) ADR.OPS.B.010 (b)
	Référence: ADR.OPS.B.010 (b) "The aerodrome operator shall implement and maintain training and check programmes to ensure the continuing competence of rescue and fire-fighting personnel."
	Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall implement and maintain training and check programmes <u>within the limits of its competences</u> to ensure the continuing competence of rescue and fire-fighting personnel." Cf. General comment n°2.
response	<i>Noted</i> This requirement has been deleted since it is covered by ADR.OR.D.017

ANNEX III - Part-OPS - ADR-OPS.B.015 — Monitoring and inspection of movement area and related facilities

p. 66

comment	242 comment by: <i>KLM</i>
	Further explanation needed. Specify regular , as this can be once a year or twice daily. It may be required to differentiate per type of aerodrome dependent on e.g. number of movements , but specification is required.
response	<i>Accepted</i> Details are included in AMC1-ADR.OPS.B.015

comment 886 comment by: *Union des Aéroports français - UAF*

Attachment [#276](#)

UAF NPA 2011-20 (B.I) ADR.OPS.B.015 (a)

Référence: ADR.OPS.B.015 (a)
 "The aerodrome operator shall monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."

Traduction de courtoisie
 Should be amended as follows: "The aerodrome operator shall, within the limits of its competences, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."
 Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 1183 comment by: *ADP : Aeroports de Paris*

Référence: ADR.OPS.B.015 (a) "The aerodrome operator shall monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."

Proposition/commentaire Il convient de modifier de la manière suivante: "The aerodrome operator shall, within the limits of its competences, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."

Justification Cf. 3ieme Commentaire général n°2867.

Traduction de courtoisie

Should be amended as follows: "The aerodrome operator shall, within the limits of its competences, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."

Cf. 3rd General comment n°2867.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 1288 comment by: *Blackpool Airport - BLK/EGNH*

	ADR.OPS.B.020(a)(1) : Replace "surrounding" with "vicinity". Better wording, already used by ICAO
response	<p><i>Partially accepted</i></p> <p>The word "surrounding" is used in the Basic Regulation</p>
comment	<p>1604 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #277</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.015 (a)</p> <p>Référence: ADR.OPS.B.015 (a)</p> <p>"The aerodrome operator shall monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."</p> <p>Traduction de courtoisie</p> <p>Should be amended as follows: "The aerodrome operator shall, within the limits of its competences, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."</p> <p>Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>1778 comment by: <i>Belgian CAA</i></p> <p>The text of ICAO Annex 14 §2.9.1-2.9.3 is not completely covered. The ICAO standard 2.9.3. imposes a minimal number of runway inspections. The implementing rules should not allow the possibility to have a lower number of runway inspections.</p>
response	<p><i>Partially accepted</i></p> <p>The proposed Implementing Rule establishes the requirement for the aerodrome operator to carry out regular inspections. ICAO Standard have been considered in AMC1-ADR.OPS.015</p>
comment	<p>2057 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #278</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OPS.B.015 (a)</p> <p>Référence: ADR.OPS.B.015 (a)</p> <p>"The aerodrome operator shall monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."</p>

	<p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall, within the limits of its competences, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2129 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>Should be amended as follows: "The aerodrome operator shall, within the limits of its competences, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2161 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #279</p> <p>UAF NPA 2011-20 (B.I) ADR.OPS.B.015 (a)</p> <p>Référence: ADR.OPS.B.015 (a) "The aerodrome operator shall monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall, within the limits of its competences, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2319 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>Should be amended as follows: "The aerodrome operator shall, within the limits of its competences, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers." Cf. General comment n°2.</p>

response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2448 comment by: <i>Aéroport de Tours Val de Loire - TUF/LFOT</i> (a) the aerodrome operator shall within the limits of competences , monitor the conditions.....
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2466 comment by: <i>Aéroport de Tours Val de Loire - TUF/LFOT</i> the aerodrome operator shall within the limits of its competences
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2480 comment by: <i>Aéroports De Lyon</i> Manque de précisions sur le périmètre à surveiller / problème de limite <u>Proposition</u> : Définir précisément la limite à contrôler (ce point est important en termes de responsabilité)
response	<i>Noted</i> Movement area is defined in ICAO Annex 14. Additional information is provided in AMC-ADR.OPS.B.015
comment	2502 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i> Attachment #280 NPA 2011-20 (B.I) ADR.OPS.B.015 (a) Référence: ADR.OPS.B.015 (a) "The aerodrome operator shall monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers." Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall, within the limits of its competences , monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers." Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment

2572

comment by: IATA

ADR-OPS.B.015 – Monitoring and inspection of movement area and related facilities

(b) The aerodrome operator shall carry out regular inspections of the movement area and its related facilities.

Further explanation needed.

Specify **regular**, as this can be once a year or twice daily. It may be required to differentiate per type of aerodrome [dependent on e.g. number of movements](#), but specification is required.

response

Accepted

Details are included in AMC1-ADR.OPS.B.015

comment

2904

comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

**Référence:
ADR.OPS.B.015 (a)**

"The aerodrome operator shall monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."

Proposition/commentaire

Il convient de modifier de la manière suivante: "The aerodrome operator shall, **within the limits of its competences**, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."

Justification

Cf. Commentaire général n°2.

Traduction de courtoisie

Should be amended as follows: "The aerodrome operator shall, **within the limits of its competences**, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."
Cf. General comment n°2.

response

Accepted

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 3232 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#281](#)

SEARD NPA 2011-20 (B.I) ADR.OPS.B.015 (a)

Référence: ADR.OPS.B.015 (a)
 "The aerodrome operator shall monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."

Traduction de courtoisie
 Should be amended as follows: "The aerodrome operator shall, **within the limits of its competences**, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."
 Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 3335 comment by: *AEA - Association of European Airlines*

ADR-OPS.B.015 – Monitoring and inspection of movement area and related facilities

(b) The aerodrome operator shall carry out regular inspections of the movement area and its related facilities.

Comments

Further explanation needed.

Specify **regular**, as this can be once a year or twice daily. It may be required to differentiate per type of aerodrome [dependent on e.g. number of movements](#), but specification is required.

response *Accepted*

Details are included in AMC1-ADR.OPS.B.015

comment 3511 comment by: *Aéroport Paris Vatry - XCR/LFOK*

NPA 2011-20 (B.I) ADR.OPS.B.015 (a)

	<p>Référence: ADR.OPS.B.015 (a) "The aerodrome operator shall monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall, within the limits of its competences, monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant ANS providers." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>

ANNEX III - Part-OPS - ADR-OPS.B.020 – Wildlife strike hazard reduction

p. 66

comment	<p>46 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>(a) (1) delete "and in the surrounding" and replace by "and its vicinity"</p> <p>Justification: as suggested in ADR.AR.C.060 (b) (1) and as used by ICAO</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>47 comment by: <i>ACI EUROPE - Airports Council International</i></p> <p>(a) (3) replace "surrounding" by "vicinity"</p> <p>Justification: as used by ICAO and for consistency with make the same change in ADR.OPS.B.020 (1)</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>141 comment by: <i>Zürich Airport</i></p> <p>change from;</p> <p>(1) assess the wildlife hazard on, and in the surrounding, of the aerodrome;</p> <p>(2) establish means and procedures to minimise the risk of collisions between wildlife and aircraft;</p>

	<p>(3) notify the competent authority if a wildlife assessment indicates conditions in the surroundings of the aerodrome conducive to a wildlife hazard problem.</p> <p>to;</p> <p>(1) assess the wildlife hazard on the aerodrome;</p> <p>(2) establish means and procedures to minimise the risk of collisions between wildlife and aircraft;</p> <p>(3) notify the competent authority if a wildlife assessment indicates conditions on the aerodrome conducive to a wildlife hazard problem.</p> <p>due to the fact that aerodrome is not responsible for the surroundings of the aerodrome because the legal basis is missing.</p>
response	<p><i>Noted</i></p> <p>According to Article 8a.4 aerodrome operators shall monitor activities and developments which may cause unacceptable safety risks to aviation in the aerodrome surroundings and take within its competence mitigating measures. The proposed rule puts the obligation to the aerodrome operator to assess the wildlife hazard on and in the surrounding of the aerodrome and notify the competent authority when the assessment indicates that certain activities increase wildlife hazard problem.</p>
comment	<p>229 comment by: <i>SWISS AERODROMES ASSOCIATION</i></p> <p>It is important to have the aerodrome operator's responsibility limited <u>within its competence</u> as said in BR, Article 8a, 4.</p> <p>Provisions to safeguard aerodromes are to be put in place by Member States (BR, Article 8a, 3).</p> <p>The "surrounding" is not precise enough and we suggest to replace by "immediate vicinity".</p>
response	<p><i>Partially accepted</i></p> <p>The comment to replace the word "surrounding" with "immediate vicinity" is not accepted since it comes from the BR. Guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020.</p> <p>The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>243 comment by: <i>KLM</i></p> <p>Add:</p> <p>(4) Establish procedures for collecting and reporting of wildlife strikes to the competent authority in close cooperation with data owners, like aircraft operators, air navigation service providers, aircraft engine maintenance departments etc</p>

	<p>Add (5): the aerodrome operator shall not only notify the competent authority but must be notified about and use planning activities by councils, business undertakings etc.</p>
response	<p><i>Partially accepted</i></p> <p>The comment on (a) (4) is partially agreed. The responsibility to report wildlife strikes to the competent authorities is not only for aerodromes and the Agency does not consider appropriate to oblige the aerodrome operator to be the only responsible for reporting the wildlife strikes. However, as part of its wildlife management programme, the Agency considers very important for the aerodrome operator to be notified about wildlife strikes at the aerodrome or its surrounding. This proposal will be included in GM4-ADR.OPS.B.020. The comment on (a) (5) is noted.</p>
comment	<p>312 comment by: <i>BAA Airside operations</i></p> <p>(a) (1) Replace "surrounding" with "vicinity" Better wording, already used by ICAO.</p> <p>(a) (3) Replace "surrounding" with "vicinity" Better wording, already used by ICAO.</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>385 comment by: <i>CAA Austria - Ministry of Transport</i></p> <p>(1) Delete and in the surrounding and replace by and its vicinity when possible As suggested in ADR.AR.C.060 (b) (1) and as used by ICAO. In Austria the competent authority can only discuss problems with the responsible local government.</p> <p>(3) Replace surrounding by vicinity As used by ICAO and for consistency with the same change in ADR.OPS.B.020 (1)</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>422 comment by: <i>Edinburgh Airport</i></p> <p>ADR.OPS.B.020 (a) (1) Replace "surrounding" with "vicinity" Justification - Better wording</p>
response	<p><i>Partially accepted</i></p>

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment 423 comment by: *Edinburgh Airport*

ADR.OPS.B.020 (a) (3) - Relace "surrounding" with "vicinity"
Justification - Better wording

response *Partially accepted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment 474 comment by: *Avinor*

ADR.OPS.B.020 (1). Delete "and in the surrounding" and replace by "and its vicinity" as suggested in ADR.AR.C.060 (b) (1) and as used by ICAO.

response *Partially accepted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment 475 comment by: *Avinor*

ADR.OPS.B.020 (3). Replace "surrounding" by "vicinity" as used by ICAO and for consistency with the same change in ADR.OPS.B.020 (1).

response *Noted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment 599 comment by: *Flughafen Düsseldorf GmbH*

1) und 3) "Surrounding" sollte durch "vicinity" ersetzt werden, da dies bei der ICAO bereits in der Form Anwendung findet.

response *Noted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment 610 comment by: *Vienna International Airport*

(1) and (3) "surrounding" change to "vicinity" and define

response *Partially accepted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 -

ADR.OPS.B.020

comment	671	comment by: <i>Exeter International Airport</i>
	ADR.OPS.B.020(a)(1) : Replace "surrounding" with "vicinity". Better wording, already used by ICAO	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	672	comment by: <i>Exeter International Airport</i>
	ADR.OPS.B.020(a)(3) : Replace "surrounding" with "vicinity". Better wording, already used by ICAO.	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	688	comment by: <i>Belfast International Airport - BFS/EGAA</i>
	(a) (1) Consider replacing "surrounding" with "vicinity" already used by ICAO	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	689	comment by: <i>Belfast International Airport - BFS/EGAA</i>
	(a) (3) Consider replacing "surrounding" with "vicinity" already used by ICAO	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	707	comment by: <i>Flughafen Duesseldorf GmbH</i>
	The phrase "and in the surrounding" should be replaced by " and its vicinity, as suggested in ADR.AR.C060 (b) (1) and as used by ICAO. Under part (2) it should be added "at the aerodrome".	
response	<i>Partially accepted</i>	
	Partially agreed: The term is coming from the BR. However guidance will be provided on how to define the term "surroundings" for wildlife control	

purposes.
The comment on (a) (2) is **agreed**.

comment

871

comment by: *DGAC Direction Générale de l'aviation civile***1. Affected paragraphs**

- ANNEX III — Part-OPS - ADR-OPS.B.020 — Wildlife hazard reduction (p66)

2. Justification and proposed text / comment

There should be limitations to the scope of problems and to the geographical range of the aerodrome operator wildlife hazard assessment, and this can depend on the system : for example : the aerodrome operator can assess the wildlife hazard on the basis of elements provided by other stakeholders concerning the surroundings.

Consequently, it is proposed to modify ADR-OPS.B.020 as follows :

"Without prejudice to the system and legal provisions of the relevant Member State, the aerodrome operator shall [...]"

response

Noted

The aim of the proposed rule is to ensure that a wildlife hazard assessment is conducted by the aerodrome operator. The Agency agrees that other stakeholders may provide information to the aerodrome operator in order to complete the assessment, however this is an issue that could be solved at local level

comment

888

comment by: *Union des Aéroports français - UAF*Attachment [#282](#)

UAF NPA 2011-20 (B.I) ADR.OPS.B.020

Référence: ADR.OPS.B.020

"The aerodrome operator shall:"

Traduction de courtoisie

Should be amended as follows: "The aerodrome operator shall **within the limits of its competences**:"

Cf. General comment n°2.

response

Accepted

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment

936

comment by: *Airport Nuremberg - NUE/EDDN*

The aerodrome operator cannot be responsible for wildlife strike hazard reduction outside the aerodrome border, because there are no legal reinforcement methods in negotiation with residents in the vicinity of the airport. The responsibility outside the aerodrome territory must exclusively be in the response of the competent authority. (1) the term "surrounding" should be replaced by the term "vicinity".

response

Partially accepted

The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001

The replacement of the term "surrounding" with "vicinity" is **not agreed** since it comes from the BR. Guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment 956 comment by: *Munich Airport International*
(a)

(1): delete "and in the surrounding of"

Justification: The aerodrome operator should not be responsible for the surrounding of the aerodrome because he has no legal hold for measures (e.g. biotope management) when the property does not belong to him.

(a)

(3): delete "a wildlife assessment indicates"; replace "conductive to" with "indicate"

Justification: wildlife assessments would cause significant additional costs for the airport operator

response *Partially accepted*

The comment to replace the word "surrounding" with "vicinity" is **not agreed** since it comes from the BR. Guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020.

The word "conductive to" is replaced by the word "conductive"

comment 1051 comment by: *Dublin Airport Authority*

Ref (a) -(1)

Replace "surrounding" with "vicinity" to mirror ICAO wording in this regard.

response *Partially accepted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment 1106 comment by: *NATS National Air Traffic Services Limited*

ADR.OPS.B.020(a)(3) - Should "conductive" be "conducive"?

response *Accepted*

Text revised accordingly

comment	1128	comment by: <i>Cologne/Bonn Airport</i>
	(a)(1): replace "and in the surrounding" by "and in its vicinity"; ICAO Phrasology	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	1130	comment by: <i>Cologne/Bonn Airport</i>
	(a)(2): add " at the aerodrome"; Airport is not responsible for enroute	
response	<i>Accepted</i>	
	Text revised accordingly	
comment	1133	comment by: <i>Cologne/Bonn Airport</i>
	(a) (3): replace "surroundings" by "vicinity"; ICAO Phrasology	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	1144	comment by: <i>Bezirksregierung Düsseldorf / Luftverkehr</i>
	ADR.OPS.B.020 scheint wegen ADR.AR.C.060 nicht mehr erforderlich zu sein. <i>It seems, that ADR.OPS.B.020 is not more necessary because of ADR.AR.C.060.</i>	
response	<i>Not accepted</i>	
	ADR.OPS.B.020 deals with operations requirements for aerodrome operators. Issues related with Member State's responsibilities are dealt in the Cover Regulation	
comment	1185	comment by: <i>ADP : Aeroports de Paris</i>
	Référence: ADR.OPS.B.020 "The aerodrome operator shall:"	
	Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator shall within the limits of its competences: "	
	Justification Cf. 3ieme Commentaire général n°2867.	
	Traduction de courtoisie	

Should be amended as follows: "The aerodrome operator shall **within the limits of its competences:**"
Cf. 3rd General comment n°2867.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment **1226** comment by: *Bristol Airport - BRS/EGGD*

ADR.OPS.B.020(a)(1)	Replace "surrounding" with "vicinity"	Better wording, already used by ICAO
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response *Partially accepted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment **1227** comment by: *Bristol Airport - BRS/EGGD*

ADR.OPS.B.020(a)(3)	Replace "surrounding" with "vicinity"	Better wording, already used by ICAO.
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response *Partially accepted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment **1242** comment by: *German Birdstrike Committee*

(1) please delete "..., and in the surrounding, of ..."
(2) please add "on the aerodrome". Outside the aerodrome the aerodrome operator is not competent to implement any measures.
(3) please delete "... in the surroundings of"... and add "...on"... instead

response *Partially accepted*

The comments for points (1) (3) are **not agreed** since the word "surrounding" comes from the BR.

The comment for point (2) is **agreed** and text revised accordingly

comment **1289** comment by: *Blackpool Airport - BLK/EGNH*

ADR.OPS.B.020(a)(3) : Replace "surrounding" with "vicinity". Better wording, already used by ICAO.

response *Partially accepted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 -

ADR.OPS.B.020

comment 1360 comment by: MST / STR - Stuttgart Airport

Zu Abschnitt (a) (3):

- Was ist unter "surrounding" eines Flughafens zu verstehen? Insofern vgl. oben zum Begriff "or in its vicinity" => das bedeutet je nach Auslegung eine Ausdehnung der Pflichten der Flughafenbetreiber mit einem enormen Mehraufwand. Das ist so nicht akzeptabel und auch nicht realisierbar.
- **Thus: Please delete "..., and in the surrounding, of ..."**
- Alternativ sollte sowohl der Begriff "surrounding" (als auch der Begriff "vicinity") unbedingt näher definiert werden, um die Pflichten der Flughafenbetreiber nicht weiter auszudehnen.
- **Zu Abschnitt (2):** please add "on the aerodrome". Outside the aerodrome the aerodrome operator is not competent to implement any measures.
- **Zu Abschnitt (3):** please delete "... in the surroundings of"... and add ..."on the aerodrome"... instead

response *Partially accepted*

The comments to replace the word "surrounding" with the word "vicinity" is **not agreed** since it comes from the BR. Guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020.

The comment for (a) (2) is **agreed** and text is revised

comment 1376 comment by: Gatwick Airport Ltd

(a)(1)

Replace "surrounding" with "vicinity"

Justification

Better wording, already used by ICAO

(a)(3)

Replace "surrounding" with "vicinity"

Justification

Better wording, already used by ICAO

response *Partially accepted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment 1425 comment by: *Salzburger Flughafen GmbH*
(1) and (3) "surrounding" change to "vicinity" and define

response *Partially accepted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment 1520 comment by: *Flughafen Linz-Hörsching - LNZ/LOWL*
(1) and (3) "surrounding" change to "vicinity" and define

response *Partially accepted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment 1605 comment by: *Euroairport Bâle-Mulhouse*
Attachment [#283](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.020

Référence: ADR.OPS.B.020
"The aerodrome operator shall:"

Traduction de courtoisie
Should be amended as follows: "The aerodrome operator shall within the limits of its competences:"
Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 1662 comment by: *Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH*
(1) and (3) "surrounding" change to "vicinity" and define

response *Partially accepted*

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment 1725 comment by: *Flughafen Graz Betriebs GmbH*
(1) and (3) "surrounding" change to "vicinity" and define

response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>1848 comment by: <i>Assaeroporti - Associazione Italiana Gestori Aeroporti</i></p> <p>As suggested in ADR.AR.C.060 (b)(1) and as used by ICAO, we suggest to amend the sentence as follows:</p> <p>(a) The aerodrome operator shall, within the limits of its competencies:</p> <p>(1) assess the wildlife hazard on, and in the surroundingits vicinity, of the aerodrome;</p> <p>(2) establish means and procedures to minimise the risk of collisions between wildlife and aircraft;</p> <p>(3) notify the competent authority if a wildlife assessment indicates conditions in the <u>surroundings</u>vicinity of the aerodrome conducive to a wildlife hazard problem.</p> <p>In order to avoid misinterpretation, it should be necessary to provide a definition of "vicinity".</p>
response	<p><i>Accepted</i></p> <p>The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001</p> <p>The comment to replace the word "surrounding" with the word "vicinity" is not agreed since it comes from the BR. Guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020.</p>
comment	<p>1864 comment by: <i>UK CAA</i></p> <p>Page No: 66</p> <p>Paragraph No: ADR.OPS.B.020 (a)</p> <p>Comment: A new IR is required for the aerodrome operator to notify the competent authority if a source or activity which may attract wildlife on an aerodrome or its vicinity that is likely to create conditions conducive to a wildlife hazard problem is not effectively mitigated.</p> <p>Justification: The competent authority needs to be involved only where the aerodrome operator is not able to address or adequately mitigate the hazard. The onus should be placed on member states land use and planning arrangements to prevent such sources, but also enable the aerodrome operator and competent authority involvement where deemed</p>

necessary within that framework. This complements removal of ADR.AR.C.060.

Proposed Text: New (a) (4) notify the competent authority if a source identified as a hazard has not been mitigated.

response *Noted*

comment

1865

comment by: UK CAA

Page No: 66

Paragraph No: OPS.B.020 (a)(3)

Comment: Sub-paragraph (3) is not appropriate for an Implementing rule. It is too tactical and unnecessary if issue is addressed. Needs Competent Authority coordination only if it persists.

Justification: It infers that the aerodrome operator need not take action to mitigate the wildlife hazard problem; instead this would be done by the competent authority which is not correct. The aerodrome operator should take action and, in many cases, will be able to address the problem. The competent authority need be advised only where the aerodrome operator has not been successful in addressing the problems.

Proposed Text: Delete OPS.B.020 (a)(3), which should be re-worded and included as Acceptable Means of Compliance:

"The aerodrome operator should undertake wildlife hazard assessments to identify conditions in the surrounding area conducive to a wildlife hazard problem. On identifying problems the aerodrome operator should take action to mitigate the hazards, coordinating with the landowners and users, and other agencies as required. If the hazard cannot be adequately reduced the aerodrome operator should inform the competent authority.

If a wildlife hazard assessment indicates conditions in the surroundings of the aerodrome conducive to a wildlife hazard problem, the aerodrome operator shall take action to address the hazard, and shall, if the hazard persists or cannot effectively be contained, notify the competent authority."

response *Noted*

comment

1893

comment by: Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH

(a)(2) Add: "..at the aerodrome"

response *Accepted*

Text revised accordingly

comment

1932

comment by: Stansted Airport

ADR.OPS.B.020(a)(1)

	Replace "surrounding" with "vicinity" Better wording, already used by ICAO
response	<i>Partially accepted</i> The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020
comment	1937 comment by: <i>Stansted Airport</i> ADR.OPS.B.020(a)(3) Replace "surrounding" with "vicinity" Better wording, already used by ICAO.
response	<i>Partially accepted</i> The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020
comment	2001 comment by: <i>Geneva International Airport (ROMIG)</i> ADR.OPS.B.020 (1) / ADR.OPS.B.020 (3) - Delete "and in the surrounding" and replace by "and its vicinity". As suggested in our comment on ADR.AR.C.060 (b) (1) and as used by ICAO.
response	<i>Partially accepted</i> The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020
comment	2059 comment by: <i>Airport Operators Association</i> ADR.OPS.B.020(a)(1) Replace "surrounding" with "vicinity" Justification - Our proposal represents better wording that is already used by ICAO ADR.OPS.B.020(a)(3) Replace "surrounding" with "vicinity" Justification - Better wording, already used by ICAO.
response	<i>Partially accepted</i> The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020
comment	2065 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i> Attachment #284

	<p>ADBM - NPA 2011-20 (B.I) ADR.OPS.B.020</p> <p>Référence: ADR.OPS.B.020 "The aerodrome operator shall:"</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall within the limits of its competences:" Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2130 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>Should be amended as follows: "The aerodrome operator shall within the limits of its competences:"</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2160 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #285</p> <p>UAF NPA 2011-20 (B.I) ADR.OPS.B.020</p> <p>Référence: ADR.OPS.B.020 "The aerodrome operator shall:"</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall within the limits of its competences:" Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2317 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>Should be amended as follows: "The aerodrome operator shall within the limits of its competences:" Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2449 comment by: <i>Aéroport de Tours Val de Loire - TUF/LFOT</i></p> <p>(a) The aerodrome operator shall with the limits of its competences</p>
response	<p><i>Accepted</i></p>

Text revised accordingly

comment	<p>2469 comment by: <i>Turin Airport - TRN/LIMF</i></p> <p>(a) (1): delete "and in the surrounding" and replace by "and its vicinity". As suggested in ADR.AR.C.060 (b)(1) and as used by ICAO.</p> <p>(a) (3): replace "surrounding" by "vicinity". As used by ICAO and to be consistent with the change proposed above.</p> <p>In alternative, in order to avoid misinterpretation, it should be necessary to provide a clearer definition of "vicinity" and "sourranding".</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>2481 comment by: <i>Aéroports De Lyon</i></p> <p>"in the surroundings": Pas de limite définie clairement Problème de répartition des compétences (pouvoir de police) Les gestionnaires n'ont aucun droit de mener des études sur des parcelles privées et à l'extérieur de l'emprise de l'aérodrome <u>Proposition</u>: Définir précisément la limite à contrôler afin de pouvoir préciser les impacts</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>2508 comment by: <i>Munich Airport International</i></p> <p>(a)</p> <p>(2). Add „... at the aerodrome“</p> <p>Justification: Airport is not responsible for en-route</p>
response	<p><i>Accepted</i></p> <p>Text revised</p>
comment	<p>2544 comment by: <i>Shannon Airport</i></p> <p>(a) 3 Replace "surrounding" with "vicinity" to mirror ICAO wording</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>

comment 2556 comment by: AENA - Aeropuertos Españoles y Navegación Aérea

There should be limitations to the scope of problems and to the geographical range of the aerodrome operator wildlife hazard assessment, and this can depend on the system : for example : the aerodrome operator can assess the wildlife hazard on the basis of elements provided by other stakeholders concerning the surroundings.
Consequently, it is proposed to modify ADR-OPS.B.020 as follows :
"Without prejudice to the system and legal provisions of the relevant Member State, the aerodrome operator shall [...]"

response Noted

The aim of the proposed rule is to ensure that a wildlife hazard assessment is conducted by the aerodrome operator. The Agency agrees that other stakeholders may provide information to the aerodrome operator in order to complete the assessment, however this is an issue that could be solved at local level

comment 2573 comment by: IATA

ADR-OPS.B.020 – Wildlife strike hazard reduction

Add:

(4) Establish procedures for collecting and reporting of wildlife strikes to the competent authority in close cooperation with data owners, like aircraft operators, air navigation service providers, aircraft engine maintenance departments etc

Add

(5): the aerodrome operator shall not only notify the competent authority but must **be notified about and use planning activities by councils, business undertakings etc.**

response Noted

The comment on (a) (4) is **partially agreed**. The responsibility to report wildlife strikes to the competent authorities is not only for aerodromes and the Agency does not consider appropriate to oblige the aerodrome operator to be the only responsible for reporting the wildlife strikes. However, as part of its wildlife management programme, the Agency considers very important for the aerodrome operator to be notified about wildlife strikes at the aerodrome or its surrounding. This proposal will be included in GM4-ADR.OPS.B.020.

The comment on (a) (5) is **noted**.

comment 2642 comment by: Infratil Airports Europe Ltd

Page No: 66

Paragraph No: ADR.OPS.B.020(a)(1) & (3)

Comment Better wording, already used by ICAO. Replace

	"surrounding" with "vicinity" as is used in articles 9 & 10 and in ADR.AR.C.060 - Wildlife Management	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	2678	comment by: <i>HIA - Highlands and Islands Airports Limited</i>
	B.020 (a) (1) and (3) - Replace <i>surrounding</i> with <i>vicinity</i> to reflect ICAO wording	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	2751	comment by: <i>Aberdeen Airport Airside Operations</i>
	(a) (1) Replace "surrounding" with "vicinity"	
	Better wording, already used by ICAO	
	(a) (3) Replace "surrounding" with "vicinity"	
	Better wording, already used by ICAO	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	2763	comment by: <i>TAG Farnborough Airport Ltd</i>
	Para (A) (1) 'surrounding' is too vague. Needs a finite distance.	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	2772	comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>
	ADR.OPS.B.020(a)(1)	Replace "surrounding" with "vicinity"
		Better wording, already used by ICAO
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	

comment	2773	comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>
	ADR.OPS.B.020(a)(3)	Replace "surrounding" with "vicinity" Better wording, already used by ICAO.
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	2832	comment by: <i>Flughafen Klagenfurt</i>
	(1) and (3) "surrounding" change to "vicinity" and define	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	2891	comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i>
	ADR.OPS.B.020 (3). Replace "surrounding" by "vicinity" as used by ICAO and for consistency with the same change in ADR.OPS.B.020 (1).	
response	<i>Partially accepted</i>	
	The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020	
comment	2905	comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>
	Référence: ADR.OPS.B.020	"The aerodrome operator shall:"
	Proposition/commentaire	Il convient d'apporter la modification suivante: "The aerodrome operator shall within the limits of its competences:"
	Justification	Cf. Commentaire général n°2.
	Traduction de courtoisie	Should be amended as follows: "The aerodrome operator shall within the limits of its competences:" Cf. General comment n°2.
response	<i>Accepted</i>	
	The issue has been addressed in a new implementing rule ADR.OPS.B.001	

comment	<p>3024 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(a)(1) Replace "surrounding" with "vicinity"</p> <p>Justification: Better wording, already used by ICAO</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>3025 comment by: <i>East Midlands Airport - EMA/EGNX</i></p> <p>(a)(3) Replace "surrounding" with "vicinity"</p> <p>Justification: Better wording, already used by ICAO</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>3052 comment by: <i>Norwich International Airport</i></p> <p>ADR.OPS.B.020(a)(1)</p> <p>Replace "surrounding" with "vicinity"</p> <p>Better wording, already used by ICAO</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>3054 comment by: <i>Norwich International Airport</i></p> <p>ADR.OPS.B.020(a)(3)</p> <p>Replace "surrounding" with "vicinity"</p> <p>Better wording, already used by ICAO.</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>3168 comment by: <i>Isavia</i></p> <p>ADR.OPS.B.020 (1). Delete "and in the surrounding" and replace by "and its vicinity" as suggested in ADR.AR.C.060 (b) (1) and as used by ICAO.</p>

response	<i>Partially accepted</i> The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020
comment	3169 comment by: <i>Isavia</i> ADR.OPS.B.020 (3). Replace "surrounding" by "vicinity" as used by ICAO and for consistency with the same change in ADR.OPS.B.020 (1).
response	<i>Partially accepted</i> The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020
comment	3207 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i> THE AERODROME OPERATOR HAS NO LEGAL BASIS FOR ANY ACTIONS OUTSIDE THE AERODROME.
response	<i>Partially accepted</i> Article 8a.4 of the BR limits the responsibilities of the aerodrome operator within its competence when taking mitigating measures.
comment	3233 comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i> Attachment #286 SEARD NPA 2011-20 (B.I) ADR.OPS.B.020 Référence: ADR.OPS.B.020 "The aerodrome operator shall:" Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall within the limits of its competences :" Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	3292 comment by: <i>London Biggin Hill Airport</i> ADR.OPS.B.020 (a)(1) and (a)(3) Replace "surrounding" with "vicinity" this wording already in place from ICAO
response	<i>Partially accepted</i>

The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020

comment	<p data-bbox="375 358 478 392">3306</p> <p data-bbox="1085 358 1414 392" style="text-align: right;">comment by: CAA SR</p> <p data-bbox="375 414 510 448">Proposal:</p> <p data-bbox="375 481 1414 548">ADR-OPS.B.020 – Wildlife strike hazard reduction(a) The aerodrome operator shall:</p> <p data-bbox="375 548 1414 616">(1) assess the wildlife hazard on, and in the surrounding, of the aerodrome;</p> <p data-bbox="375 616 1414 683">(2) establish means and procedures to minimise the risk of collisions between wildlife and aircraft;</p> <p data-bbox="375 683 1414 772">(3) notify the competent authority if a wildlife assessment indicates conditions in the surroundings of the aerodrome conducive to a wildlife hazard problem;</p> <p data-bbox="375 772 1414 907">(4) take action to eliminate or to prevent the establishment of any source or activity which may attract wildlife on an aerodrome or its vicinity, unless a wildlife hazard assessment indicates that these sources are unlikely to create conditions conducive to a wildlife hazard problem.</p> <p data-bbox="375 929 1414 996">Argument: It is a principal responsibility of the aerodrome operator to prevent its aerodrome from wildlife hazard problems.</p>
response	<p data-bbox="375 1108 470 1153"><i>Noted</i></p> <p data-bbox="375 1164 1141 1209">The Agency considers that this is covered under (a) (2).</p>
comment	<p data-bbox="375 1254 462 1299">3321</p> <p data-bbox="957 1254 1414 1299" style="text-align: right;">comment by: DAA Cork Airport</p> <p data-bbox="375 1310 1414 1388">Replace "surrounding" with "vicinity" to mirror ICAO wording in this regard.</p>
response	<p data-bbox="375 1400 630 1444"><i>Partially accepted</i></p> <p data-bbox="375 1456 1414 1556">The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p data-bbox="375 1612 462 1657">3336</p> <p data-bbox="678 1612 1414 1657" style="text-align: right;">comment by: AEA - Association of European Airlines</p> <p data-bbox="375 1668 1141 1713">ADR-OPS.B.020 – Wildlife strike hazard reduction</p> <p data-bbox="375 1713 845 1747">(a) The aerodrome operator shall:</p> <p data-bbox="375 1747 1414 1814">(1) assess the wildlife hazard on, and in the surrounding, of the aerodrome;</p> <p data-bbox="375 1814 1414 1904">(2) establish means and procedures to minimise the risk of collisions between wildlife and aircraft;</p> <p data-bbox="375 1904 1414 2027">(3) notify the competent authority if a wildlife assessment indicates conditions in the surroundings of the aerodrome conducive to a wildlife hazard problem.</p>

	<p>Comments</p> <p>Add: (4) Establish procedures for collecting and reporting of wildlife strikes to the competent authority in close cooperation with data owners, like aircraft operators, air navigation service providers, aircraft engine maintenance departments etc</p> <p>Add (5): the aerodrome operator shall not only notify the competent authority but must be notified about and use planning activities by councils, business undertakings etc.</p>
response	<p><i>Noted</i></p> <p>The comment on (a) (4) is partially agreed. The responsibility to report wildlife strikes to the competent authorities is not only for aerodromes and the Agency does not consider appropriate to oblige the aerodrome operator to be the only responsible for reporting the wildlife strikes. However, as part of its wildlife management programme, the Agency considers very important for the aerodrome operator to be notified about wildlife strikes at the aerodrome or its surrounding. This proposal will be included in GM4-ADR.OPS.B.020.</p> <p>The comment on (a) (5) is noted.</p>
comment	<p>3405 comment by: ADV -German Airports Association</p> <p>ADR.OPS.B.020 (a)(1) delete "and in the surrounding" and replace by "and its vicinity"</p> <p>Justification as suggested in ADR.AR.C.060 (b) (1) and as used by ICAO</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>3406 comment by: ADV -German Airports Association</p> <p>ADR.OPS.B.020 (a)(2) Add „... at the aerodrome“</p> <p>Justification Airport is not responsible for en-route</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>
comment	<p>3407 comment by: ADV -German Airports Association</p> <p>ADR.OPS.B.020 (a)(3) replace "surrounding" by "vicinity"</p>

	<p>Justification as used by ICAO and for consistency with making the same change in ADR.OPS.B.020 (1)</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>3502 comment by: <i>Fraport AG</i></p> <p>ADR-OPS.B.020 - Wildlife strike hazard reduction (a) (1)</p> <p>Editorial</p> <p>assess the wildlife hazard on, and in the surrounding, of the aerodrome;</p> <p>Proposed Text</p> <p>assess the wildlife hazard on, and in its vicinity, of the aerodrome;</p> <p>Fraport AG: Better wording, already used by ICAO as suggested in ADR.AR.C.060 (b) (1)</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>
comment	<p>3503 comment by: <i>Fraport AG</i></p> <p>ADR-OPS.B.020 - Wildlife strike hazard reduction (a) (3)</p> <p>Editorial</p> <p>notify the competent authority if a wildlife assessment indicates conditions in the surroundings of the aerodrome conducive to a wildlife hazard problem.</p> <p>Proposed Text</p> <p>notify the competent authority if a wildlife assessment indicates conditions in its vicinity of the aerodrome conducive to a wildlife hazard problem.</p> <p>Fraport AG: Better wording, already used by ICAO And for constancy with ADROPS. B.020 (a) (1)</p>
response	<p><i>Partially accepted</i></p> <p>The term "surrounding" comes from the BR and guidance for the definition of "surrounding" for wildlife control purposes is given in GM1 - ADR.OPS.B.020</p>

comment	3512	comment by: <i>Aéroport Paris Vatry - XCR/LFOK</i>		
	NPA	2011-20	(B.I)	ADR.OPS.B.020
	Référence:	ADR.OPS.B.020		
	"The	aerodrome	operator	shall:"
	Traduction	de	courtoisie	
	Should be amended as follows: "The aerodrome operator shall within the limits of its competences: "			
	Cf. General comment n°2.			
response	<i>Accepted</i>			
	The issue has been addressed in a new implementing rule ADR.OPS.B.001			

comment	3547	comment by: <i>Tarbes-Lourdes-Pyrénées airport</i>		
	NPA	2011-20	(B.I)	ADR.OPS.B.020
	Référence:	ADR.OPS.B.020		
	"The	aerodrome	operator	shall:"
	Traduction	de	courtoisie	
	Should be amended as follows: "The aerodrome operator shall within the limits of its competences: "			
	Cf. General comment n°2.			
response	<i>Accepted</i>			
	The issue has been addressed in a new implementing rule ADR.OPS.B.001			

ANNEX III - Part-OPS - ADR-OPS.B.025 — Operation of vehicles

p. 66

comment	889	comment by: <i>Union des Aéroports français - UAF</i>		
	Attachment #287			
	UAF	NPA	2011-20	(B.I) ADR.OPS.B.025
	Référence:	ADR.OPS.B.025		
	"The aerodrome operator shall establish procedures for the formal training, assessment and authorisation of all drivers operating on the movement area."			
	Traduction	de	courtoisie	
	Should be amended as follows: "The aerodrome operator shall establish procedures, within the limits of its competences, for the formal training, assessment and authorisation of all drivers operating on the movement area."			
	Cf. General comment n°2.			
response	<i>Accepted</i>			
	The issue has been addressed in a new implementing rule ADR.OPS.B.001			

comment	<p>1052 comment by: <i>Dublin Airport Authority</i></p> <p>Aerodrome operators do not typically provide training in relation to all types of equipment on an aerodrome or specifically within the movement area. This text should be changed to specify that these procedures only relate to the principles of airside driving and that airport users / airlines / groundhandlers have clear responsibility in relation to vehicle specific training and authorisations of drivers to operate those vehicles.</p>
response	<p><i>Noted</i></p> <p>The intention of the implementing rule is the establishment of basic framework for airside driving training, assessment and authorisation of the drivers operating on the movement area. The proposed rule doesn't imply that the aerodrome operator should be the sole provider of such training. The proposed rule should be read in conjunction with the relevant AMC and GM</p>
comment	<p>1186 comment by: <i>ADP : Aeroports de Paris</i></p> <p>Référence: ADR.OPS.B.025 "The aerodrome operator shall establish procedures for the formal training, assessment and authorisation of all drivers operating on the movement area."</p> <p>Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator shall establish procedures, <u>within the limits of its competences</u>, for the formal training, assessment and authorisation of all drivers operating on the movement area."</p> <p>Justification Cf. 3ieme Commentaire général n°2867.</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish procedures, <u>within the limits of its competences</u>, for the formal training, assessment and authorisation of all drivers operating on the movement area."</p> <p>Cf. 3rd General comment n°2867.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>1205 comment by: <i>DGAC Direction Générale de l'aviation civile</i></p> <p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> • ANNEX III — Part-OPS —ADR-OPS.B.025 — Operation of vehicles (p66) • AMC/GM to ANNEX III — Part-OPS — AMC-ADR-OPS.B.025 - Operation of vehicles (p156) <p><u>2. Justification and proposed text / comment</u></p>

This comment is linked with comment 925 in book II.
 In France, it is a State's responsibility to deliver movement area driving authorizations (all tasks dealing with "policy" can not, in our system and from a legal point of view, by someone else than the State). The current wording specifically assigns this responsibility to the aerodrome operator which would be in contradiction with the French system and legal provisions. It is essential to provide flexibility for this item. Thus, DGAC proposes to indicate that this is done "Without prejudice to the system and legal provisions of the relevant Member State".

ADR-OPS.B.025 – Operation of vehicles

"The aerodrome operator shall establish procedures for the formal training, assessment and authorisation of all drivers operating on the movement area, without prejudice to the system and legal provisions of the relevant Member State."

AMC-OPS.B.025 – Operation of vehicles

"[...]
 (b) An aerodrome operator should establish a system for issuing movement area driving authorisations and the conditions of their renewal, without prejudice to the system and legal provisions of the relevant Member State."

response *Noted*

The intention of the implementing rule is the establishment of basic framework for airside driving training, assessment and authorisation of the drivers operating on the movement area. The proposed rule doesn't imply that the aerodrome operator should be the sole provider of such training. The proposed rule should be read in conjunction with the relevant AMC and GM

comment

1606

comment by: Euroairport Bâle-Mulhouse

Attachment [#288](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.025

Référence: ADR.OPS.B.025
 "The aerodrome operator shall establish procedures for the formal training, assessment and authorisation of all drivers operating on the movement area."

Traduction de courtoisie
 Should be amended as follows: "The aerodrome operator shall establish procedures, within the limits of its competences, for the formal training, assessment and authorisation of all drivers operating on the movement area."

Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment

1780

comment by: Belgian CAA

	It would be better if the ICAO Annex 14 standards 9.7.1-9.7.5 would be covered in the implementing rules.
response	<i>Noted</i>
comment	<p>2068 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #289</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OPS.B.025</p> <p>Référence: ADR.OPS.B.025 "The aerodrome operator shall establish procedures for the formal training, assessment and authorisation of all drivers operating on the movement area."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish procedures, within the limits of its competences, for the formal training, assessment and authorisation of all drivers operating on the movement area." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2131 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>Should be amended as follows: "The aerodrome operator shall establish procedures, within the limits of its competences, for the formal training, assessment and authorisation of all drivers operating on the movement area."</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2159 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #290</p> <p>UAF NPA 2011-20 (B.I) ADR.OPS.B.025</p> <p>Référence: ADR.OPS.B.025 "The aerodrome operator shall establish procedures for the formal training, assessment and authorisation of all drivers operating on the movement area."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish procedures, within the limits of its competences, for the formal training, assessment and authorisation of all drivers operating on the movement area." Cf. General comment n°2.</p>

response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2315 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i> Should be amended as follows: "The aerodrome operator shall establish procedures, within the limits of its competences and within the limits of its responsibility as an employer, for the formal training, assessment and authorisation of all drivers operating on the movement area." Cf. General comment n°2.
response	<i>Partially accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2375 comment by: <i>Stansted Airport - Daren BARTHRAM</i> Comment 2375 •ℓ ℓ ℓ □ ○ ℓ ■ ◆ B.II 2612 GM1-ADR.OPS.B.025 – Movement Area Driver Training (a)(8) – RFFS driving (8) specialist functions as required, for example, in rescue and fire-fighting. Consider upgrading to AMC and include more detail.
response	<i>Noted</i>
comment	2435 comment by: <i>Dublin Airport Authority</i> Aerodrome operators do not typically provide training in relation to all types of equipment on an aerodrome or specifically within the movement area. This text should be changed to specify that these procedures only relate to the principles of airside driving and that airport users / airlines / groundhandlers have clear responsibility in relation to vehicle-specific training and authorisations of drivers to operate those vehicles.
response	<i>Noted</i> The intention of the implementing rule is the establishment of basic framework for airside driving training, assessment and authorisation of the drivers operating on the movement area. The proposed rule doesn't imply that the aerodrome operator should be the sole provider of such training. The proposed rule should be read in conjunction with the relevant AMC and GM
comment	2450 comment by: <i>Aéroport de Tours Val de Loire - TUF/LFOT</i> The aerodrome operator shall establish procedures, within the limits of its competences, for the formal training, assessment and authorisation of all drivers operating on the movement area
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment	2484	comment by: <i>Aéroports De Lyon</i>
	<p><u>Incompréhension dans l'énoncé de l'article:</u></p> <p><u>Hypothèse n°1:</u> Procedures for training + Procedures for assessment + Procédures for autorisation??? = Alors OK, pas d'impact car cela va dans le même sens que la DGAC</p> <p><u>Hypothèse n°2:</u> establish assessment and authorisation = Alors fort impact organisationnel Des procédures suffisent (dans le MANEX par exemple) ou une prise en charge totale des autorisations de conduite est-elle à mettre en place? Aujourd'hui, le gestionnaire n'a pas le pouvoir de délivrer ou retirer des autorisations de conduite pour TOUS les conducteurs de l'aire de mouvement (Rôle de la DGAC), la rédaction proposée remet en cause la répartition des pouvoirs et des compétences.</p> <p>L'EASA peut-elle reformuler cet article?</p>	
response	<i>Noted</i>	
comment	2545	comment by: <i>Shannon Airport</i>
	<p>This text should be changed to specify that these procedures only relate to the principles of airside driving</p>	
response	<p><i>Noted</i></p> <p>According to Annex Va, B.1.(k) and (l) it is the responsibility of the aerodrome operator to ensure that persons entering the movement area or other operational areas unescorted shall be properly trained and qualified. Training on operation of vehicles in those areas is included. Details are included in the relevant AMC and GM</p>	
comment	2907	comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>
	<p>Référence: ADR.OPS.B.025</p>	<p>"The aerodrome operator shall establish procedures for the formal training, assessment and authorisation of all drivers operating on the movement area."</p>
	<p>Proposition/commentaire</p>	<p>Il convient d'apporter la modification suivante: "The aerodrome operator shall establish procedures, within the limits of its competences, for the formal training, assessment and authorisation of all drivers operating on the movement area."</p>
	<p>Justification</p>	<p>Cf. Commentaire général n°2.</p>
	<p>Traduction de courtoisie</p>	<p>Should be amended as follows: "The aerodrome operator shall establish</p>

	procedures, within the limits of its competences, for the formal training, assessment and authorisation of all drivers operating on the movement area.” Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	3234 comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i> Attachment #291 SEARD NPA 2011-20 (B.I) ADR.OPS.B.025 Référence: ADR.OPS.B.025 “The aerodrome operator shall establish procedures for the formal training, assessment and authorisation of all drivers operating on the movement area.” Traduction de courtoisie Should be amended as follows: “The aerodrome operator shall establish procedures, within the limits of its competences, for the formal training, assessment and authorisation of all drivers operating on the movement area.” Cf. General comment n°2
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	3322 comment by: <i>DAA Cork Airport</i> Aerodrome operators do not typically provide training in relation to all types of equipment on an aerodrome or specifically within the movement area. This text should be changed to specify that these procedures only relate to the principles of airside driving and that airport users / airlines / groundhandlers have clear responsibility in relation to vehicle specific training and authorisations of drivers to operate those vehicles.
response	<i>Noted</i> The intention of the implementing rule is the establishment of basic framework for airside driving training, assessment and authorisation of the drivers operating on the movement area. The proposed rule doesn't imply that the aerodrome operator should be the sole provider of such training. The proposed rule should be read in conjunction with the relevant AMC and GM
comment	3513 comment by: <i>Aeroport Paris Vatry - XCR/LFOK</i>

	NPA	2011-20	(B.I)	ADR.OPS.B.025
	Référence:			ADR.OPS.B.025
	"The aerodrome operator shall establish procedures for the formal training, assessment and authorisation of all drivers operating on the movement area."			
	Traduction de courtoisie			
	Should be amended as follows: "The aerodrome operator shall establish procedures, within the limits of its competences, for the formal training, assessment and authorisation of all drivers operating on the movement area."			
	Cf. General comment n°2.			
response	<i>Accepted</i>			
	The issue has been addressed in a new implementing rule ADR.OPS.B.001			
comment	3548		comment by: Tarbes-Lourdes-Pyrénées airport	
	NPA	2011-20	(B.I)	ADR.OPS.B.025
	Référence:			ADR.OPS.B.025
	"The aerodrome operator shall establish procedures for the formal training, assessment and authorisation of all drivers operating on the movement area."			
	Traduction de courtoisie			
	Should be amended as follows: "The aerodrome operator shall establish procedures, within the limits of its competences, for the formal training, assessment and authorisation of all drivers operating on the movement area."			
	Cf. General comment n°2.			
response	<i>Accepted</i>			
	The issue has been addressed in a new implementing rule ADR.OPS.B.001			

ANNEX III - Part-OPS - ADR-OPS.B.030 – Surface movement guidance and control system

p. 66

comment	130	comment by: Flughafen Düsseldorf GmbH
	ADR-OPS.B.030 – Surface movement guidance and control system	
	<i>TXT</i>	
	The aerodrome operator shall ensure that a <u>surface movement guidance and control system</u> [g2] is provided at the aerodrome.	
	[g2]Rollwegmarkierungen sollten ausreichend sein.	
response	<i>Noted</i>	
	Taxiway markings are part of an SMGCS. Refer to GM1 - ADR.OPS.B.030 for a description of the SMGCS.	

comment	244	comment by: KLM
	<p>Clarification needed: It must be clarified and defined what exactly is meant by a SMCGS that must be provided, with emphasis on the meaning of "Control" function, as this could only be justified by a Safety and CB analyses.</p>	
response	<p><i>Noted</i></p> <p>Refer to GM1 - ADR.OPS.B.030 for a description of the SMGCS.</p>	
comment	1783	comment by: Belgian CAA
	<p>In order to cover Annex 14, the whole chapter 9.8 of Annex 14 should be taken up. The surface movement radar (ICAO Annex 14 RP 9.8.7 and 9.8.8) is even not mentioned in the AMC and the GM to this article. If it is not appropriate to include this recommendation in the IR/AMC on aerodromes, it should be covered in another NPA.</p>	
response	<p><i>Noted</i></p> <p>Refer to GM1-ADR.OPS.B.030 points (b) and (c) for the SMR. The requirements for the SMR are likely to be included in a future rulemaking task on aerodrome equipment</p>	
comment	2489	comment by: Aéroports De Lyon
	<p>Aujourd'hui, le gestionnaire n'a pas le pouvoir de décider de l'utilisation d'un radar sol et équipement associé (mosquito...), seul l'état le peut. Donc l'exploitant d'aérodrome ne peut pas mettre en œuvre la disposition proposée.</p> <p><u>Proposition</u>: à déplacer en GM</p>	
response	<p><i>Noted</i></p> <p>The operation of the aerodrome is the responsibility of the aerodrome operator. The SMGCS does not necessarily include the use of an SMR. The aerodrome operator is responsible to ensure that if weather conditions and traffic density requires the utilization of an SMR, such an equipment is provided</p>	
comment	2490	comment by: Aéroports De Lyon
	<p>A ce jour, l'aérodrome de LYN n'a pas de radar sol (au vue de sa petite taille et faible complexité). L'installation du dispositif amènerait des coûts trop élevées pour les bénéfices en termes de sécurité que cela rapporterait.</p> <p><u>Proposition</u>: Adapter cet article en fonction de la taille et complexité de l'aérodrome.</p>	
response	<p><i>Noted</i></p> <p>The proposed rule does not imply the necessity to install an SMR. Refer to AMC-ADR.OPS.B.030 and GM-ADR.OPS.B.030 for further details</p>	

comment	<p>2574 comment by: IATA</p> <p>ADR-OPS.B.030 – Surface movement guidance and control system</p> <p>Clarification needed: It must be clarified and defined what exactly is meant by a SMCGS that must be provided, with emphasis on the meaning of “Control” function, as this could only be justified by a Safety and CB analyses.</p>
response	<p><i>Noted</i></p> <p>Refer to GM1-ADR.OPS.B.030 for a description of the SMGCS</p>
comment	<p>3311 comment by: CAA SR</p> <p>CAA SR disagree with the requirements on SMGCS because there are many aerodromes that have a very simple ground movement systems and SMGCS is absolutely not important for maintaining safety on the aerodrome.</p> <p>CAA SR requests to delete this requirement at all or formulate in such a way that MSGCS is optional on aerodromes with complex ground movement systems:</p> <p>ADR-OPS.B.030 – Surface movement guidance and control system At the aerodrome with complex movement area the aerodrome operator shall ensure that a surface movement guidance and control system is provided at the aerodrome.</p>
response	<p><i>Noted</i></p> <p>Refer to GM1-ADR.OPS.B.030 for a description of the SMGCS. The rule does not imply the necessity of installing an SMR</p>
comment	<p>3337 comment by: AEA - Association of European Airlines</p> <p>ADR-OPS.B.030 – Surface movement guidance and control system The aerodrome operator shall ensure that a surface movement guidance and control system is provided at the aerodrome.</p> <p>Comments</p> <p>Clarification needed: It must be clarified and defined what exactly is meant by a SMCGS that must be provided, with emphasis on the meaning of “Control” function, as this could only be justified by a Safety and CB analyses.</p>
response	<p><i>Noted</i></p> <p>Refer to GM1-ADR.OPS.B.030 for a description of the SMGCS.</p>

of aerodromes to be used during winter conditions shall establish and implement means and procedures **within the limits of its competences**, to mitigate risks to aerodrome operations in such conditions.”

Justification

Cf. 3ieme Commentaire général n°2867.

Traduction de courtoisie

Should be amended as follows: “The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures **within the limits of its competences**, to mitigate risks to aerodrome operations in such conditions.”

Cf. 3rd General comment n°2867.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 1362

comment by: *MST / STR - Stuttgart Airport*

- Wie ist der Begriff "aerodrome operations" auszulegen?
- Welche Rolle spielt an dieser Stelle die Deutsche Flugsicherung (DFS)?
- Das ist nicht transparent. Die verschiedenen Aufgaben und Verantwortlichkeiten sollten hier klar gestellt werden, so dass eine eindeutige Abgrenzung möglich ist.
- Der Flughafenbetreiber kann nicht für das verantwortlich gemacht werden, was in den Zuständigkeitsbereich der DFS fällt.

response *Noted*

The term “aerodrome operations” is a generic term established in the BR to describe all the activities taking place on an aerodrome

For bullet points (2) and (3) refer to AMC1-ADR.OPS.B.035 and GM1-ADR.OPS.B.035

For the last bullet point, the responsibility of the aerodrome operator is to ensure that means and procedures are in place to ensure the safety of aerodrome operations during winter conditions. Air Traffic Services are service providers of the aerodrome operator. It is expected that ATS procedures should be aligned with the aerodrome procedures and not to be dealt in isolation. AMC1-ADR.OPS.B.035 ensures this coordination

comment 1426

comment by: *Salzburger Flughafen GmbH*

response	"mitigate risks to" change to "ensure the safety of"
	<i>Accepted</i> Text revised
comment	1521 comment by: <i>Flughafen Linz-Hörsching - LNZ/LOWL</i> "mitigate risks to" change to "ensure the safety of"
response	<i>Accepted</i> Text revised
comment	1607 comment by: <i>Euroairport Bâle-Mulhouse</i> Attachment #293 Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.035 Réf�rence: ADR.OPS.B.035 "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions." Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n�2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	1664 comment by: <i>Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i> "mitigate risks to" change to "ensure the safety of"
response	<i>Accepted</i> Text revised
comment	1726 comment by: <i>Flughafen Graz Betriebs GmbH</i> "mitigate risks to" change to "ensure the safety of"
response	<i>Accepted</i> Text revised
comment	2002 comment by: <i>Geneva International Airport (ROMIG)</i> The end of the sentence should be changed to read "...implement means

	<p>and procedures to ensure the safety of aerodrome operations in such conditions."</p> <p>In this proposition, the terms "<u>risk mitigation</u>" are removed as these can create confusion using them outside of the context of safety management.</p> <p>The use of the terms "hazard" and "risk" should be avoided in regulatory frameworks as they are not adequately understood by all people applying the regulation.</p>
response	<p><i>Accepted</i></p> <p>Text revised</p>
comment	<p>2071 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #294</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OPS.B.035</p> <p>Référence: ADR.OPS.B.035 "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures <u>within the limits of its competences</u>, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2132 comment by: <i>AIRBUS</i></p> <p>The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures to mitigate risks to for aerodrome operations in such conditions.</p> <p>Mitigating the risks is one of the reasons of establishing and implementing means and procedures but not the only reason.</p>
response	<p><i>Partially accepted</i></p> <p>Text is revised but not as proposed, in order to highlight the need for ensuring the safety of aerodrome operations</p>
comment	<p>2133 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>Should be amended as follows: "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and</p>

	procedures within the limits of its competences , to mitigate risks to aerodrome operations in such conditions."
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2158 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i> Attachment #295 UAF NPA 2011-20 (B.I) ADR.OPS.B.035 Référence: ADR.OPS.B.035 "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions." Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2313 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i> Should be amended as follows: "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2343 comment by: <i>AIRBUS</i> We suggest to add the following sentence: The aerodrome operator shall not use chemicals or other agents which may have harmful effects on aircraft or pavements. Rationale / Reason: The current runway and taxiway de-icers in use are extremely destructive to aircraft both in metallic corrosion and in oxidation of carbon brakes. These de-ices are made of Potassium Formate or Potassium Acetate (also Sodium Formate etc). In a harsh winter between airports using these de-icers, an aircraft's brake set can be completely destroyed to the point of requiring replacement – in one season.

	We recommend EASA to launch a specific task on this topic.
response	<i>Noted</i> The effect of runway and taxiway de-icers on the aircraft is acknowledged by the Agency. The issue will be dealt separately
comment	2444 comment by: <i>Aéroport de Tours Val de Loire - TUF/LFOT</i> the aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures within the limits of its competences to mitigate risks to aerodrome operations in such conditions
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2454 comment by: <i>Aéroport de Tours Val de Loire - TUF/LFOT</i> the aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures within the limits of its competences to mitigate.....
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2501 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i> Attachment #296 See comments B.I 3546-3558
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2557 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i> The procedures are not only intended to mitigate risks. It is consequently proposed to improve the writing as follows: "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures to mitigate risks for aerodrome operations in such conditions"
response	<i>Partially accepted</i> Text is revised but not as proposed, in order to highlight the need for

ensuring the safety of aerodrome operations

comment 2575 comment by: IATA

**ADR-OPS.B.035 – Operations in winter conditions
Further explanation needed.**

Specify what the intention of this rule is.
The text is very vague and can mean anything or nothing.

Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant.

response *Noted*

Details are included in AMC1-ADR.OPS.B.035 and GM1-ADR.OPS.B.035

comment 2833 comment by: Flughafen Klagenfurt

"mitigate risks to" change to "ensure the safety of"

response *Accepted*

Text revised

comment 2908 comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN

Référence: ADR.OPS.B.035	"The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."
Proposition/commentaire	Il convient d'apporter la modification suivante: "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in such conditions."
Justification	Cf. Commentaire général n°2.
Traduction de courtoisie	Should be amended as follows: "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment	3208	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	The end of the sentence should be changed to read "...implement means and procedures to ensure the safety of aerodrome operations in such conditions."	
response	<i>Accepted</i>	
	Text revised	

comment	3235	comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i>
	Attachment #297	
	SEARD NPA 2011-20 (B.I) ADR.OPS.B.035	
	Référence: ADR.OPS.B.035 "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."	
	Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.	
response	<i>Accepted</i>	
	The issue has been addressed in a new implementing rule ADR.OPS.B.001	

comment	3338	comment by: <i>AEA - Association of European Airlines</i>
	ADR-OPS.B.035 – Operations in winter conditions	
	The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions.	
	Comments Further explanation needed.	
	Specify what the intention of this rule is. The text is very vague and can mean anything or nothing.	
	Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant.	
response	<i>Noted</i>	

Details are included in AMC1-ADR.OPS.B.035 and GM1-ADR.OPS.B.035

comment	3514	comment by: <i>Aéroport Paris Vatry - XCR/LFOK</i>		
	NPA	2011-20	(B.I)	ADR.OPS.B.035
	<p>Référence: ADR.OPS.B.035 "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.</p>			
response	<i>Accepted</i>			
	The issue has been addressed in a new implementing rule ADR.OPS.B.001			

comment	3549	comment by: <i>Tarbes-Lourdes-Pyrénées airport</i>		
	NPA	2011-20	(B.I)	ADR.OPS.B.035
	<p>Référence: ADR.OPS.B.035 "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.</p>			
response	<i>Accepted</i>			
	The issue has been addressed in a new implementing rule ADR.OPS.B.001			

ANNEX III - Part-OPS - ADR-OPS.B.040 – Night operations

p. 67

comment	246	comment by: <i>KLM</i>		
	<p>Further explanation needed.</p> <p>Specify what the intention of this rule is. The text is very vague and can mean anything or nothing.</p> <p>Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant.</p>			

response	<p><i>Noted</i></p> <p>The purpose of this Implementing Rule is to ensure mainly the existence of appropriate visual aids to support aerodrome operations at night. The technical details of the visual aids are included in the CSs</p>				
comment	612	comment by: <i>Vienna International Airport</i>			
	"mitigate risks to" change to "ensure the safety of"				
response	<p><i>Accepted</i></p> <p>Text revised</p>				
comment	876	comment by: <i>DGAC Direction Générale de l'aviation civile</i>			
	<p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> ANNEX III — Part-OPS —ADR-OPS.B.040 — Night operations (p67) <p><u>2. Justification and proposed text / comment</u></p> <p>The procedures are not only intended to mitigate risks. It is consequently proposed to improve the writing as follows: "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures to mitigate risks for aerodrome operations in such conditions"</p>				
response	<p><i>Partially accepted</i></p> <p>Text has been revised but not as proposed. The phrase "to ensure the safety of" has replaced the phrase "to mitigate risks to"</p>				
comment	891	comment by: <i>Union des Aéroports français - UAF</i>			
	Attachment #298				
	UAF	NPA	2011-20	(B.I)	ADR.OPS.B.040
	<p>Référence: ADR.OPS.B.040 "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.</p>				
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>				
comment	1189	comment by: <i>ADP : Aeroports de Paris</i>			

Référence: ADR.OPS.B.040 "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."

Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions."

Justification Cf. 3ieme Commentaire général n°2867.

Traduction de courtoisie

Should be amended as follows: "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions."

Cf. 3rd General comment n°2867.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 1427 comment by: *Salzburger Flughafen GmbH*
"mitigate risks to" change to "ensure the safety of"

response *Accepted*

Text revised

comment 1522 comment by: *Flughafen Linz-Hörsching - LNZ/LOWL*
"mitigate risks to" change to "ensure the safety of"

response *Accepted*

Text revised

comment 1608 comment by: *Euroairport Bâle-Mulhouse*
Attachment [#299](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.040

Référence: ADR.OPS.B.040
"The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."

Traduction de courtoisie
Should be amended as follows: "The aerodrome operator of aerodromes to

	be used at night shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	1666 comment by: <i>Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i> "mitigate risks to" change to "ensure the safety of"
response	<i>Accepted</i> Text revised
comment	1727 comment by: <i>Flughafen Graz Betriebs GmbH</i> "mitigate risks to" change to "ensure the safety of"
response	<i>Accepted</i> Text revised
comment	2005 comment by: <i>Geneva International Airport (ROMIG)</i> The end of the sentence should be changed to read "...implement means and procedures to ensure the safety of aerodrome operations in such conditions." In this proposition, the terms " <u>risk mitigation</u> " are removed as these can create confusion using them outside of the context of safety management. The use of the terms "hazard" and "risk" should be avoided in regulatory frameworks as they are not adequately understood by all people applying the regulation.
response	<i>Accepted</i> Text revised
comment	2074 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i> Attachment #300 ADBM - NPA 2011-20 (B.I) ADR.OPS.B.040 Réf�rence: ADR.OPS.B.040 "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions." Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to

comment	2311	comment by: Pau Pyrénées Airport - PUF/LFBP
	Should be amended as follows: "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.	
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001	
comment	2433	comment by: Aéroport de Tours Val de Loire - TUF/LFOT
	within the limits of its competences	
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001	
comment	2441	comment by: Aéroport de Tours Val de Loire - TUF/LFOT
	The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures within the limits of its competences to mitigate risks to aerodrome operations in such conditions	
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001	
comment	2558	comment by: AENA - Aeropuertos Españoles y Navegación Aérea
	The procedures are not only intended to mitigate risks. It is consequently proposed to improve the writing as follows: "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures to mitigate risks for aerodrome operations in such conditions"	
response	<i>Partially accepted</i> Text has been revised but not as proposed. The phrase "to ensure the safety of" has replaced the phrase "to mitigate risks to"	
comment	2576	comment by: IATA
	ADR-OPS.B.040 – Night operations Further explanation needed. Specify what the intention of this rule is. The text is very vague and can mean anything or nothing. Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant.	
response	<i>Noted</i>	

The purpose of this Implementing Rule is to ensure mainly the existence of appropriate visual aids to support aerodrome operations at night. The technical details of the visual aids are included in the CSs

comment 2835 comment by: *Flughafen Klagenfurt*

"mitigate risks to" change to "ensure the safety of"

response *Accepted*

Text revised

comment 2890 comment by: *Cologne/Bonn Airport*

Delete this regulation; This is not covered by ICAO

response *Not accepted*

This is required by Annex Va, B.1.(e) of the BR

comment 2909 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

**Référence:
ADR.OPS.B.040**

"The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."

Proposition/commentaire

Il convient d'apporter la modification suivante: "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions."

Justification

Cf. Commentaire général n°2.

Traduction de courtoisie

Should be amended as follows: "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 3209 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*

The end of the sentence should be changed to read "...implement means

	and procedures to ensure the safety of aerodrome operations in such conditions."
response	<p><i>Accepted</i></p> <p>Text revised</p>
comment	<p>3236 comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i></p> <p>Attachment #302</p> <p>SEARD NPA 2011-20 (B.I) ADR.OPS.B.040</p> <p>Référence: ADR.OPS.B.040 "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>3339 comment by: <i>AEA - Association of European Airlines</i></p> <p>ADR-OPS.B.040 – Night operations The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures to mitigate risks to aerodrome operation in such conditions.</p> <p>Comments Further explanation needed.</p> <p>Specify what the intention of this rule is. The text is very vague and can mean anything or nothing.</p> <p>Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant.</p>
response	<p><i>Noted</i></p> <p>The purpose of this Implementing Rule is to ensure mainly the existence of appropriate visual aids to support aerodrome operations at night. The technical details of the visual aids are included in the CSs</p>
comment	<p>3515 comment by: <i>Aéroport Paris Vatry - XCR/LFOK</i></p>

	NPA	2011-20	(B.I)	ADR.OPS.B.040
	<p>Référence: ADR.OPS.B.040 "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.</p>			
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>			

comment	3550	comment by: <i>Tarbes-Lourdes-Pyrénées airport</i>		
	NPA	2011-20	(B.I)	ADR.OPS.B.040
	<p>Référence: ADR.OPS.B.040 "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used at night shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.</p>			
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>			

ANNEX III - Part-OPS - ADR-OPS.B.045 – Low visibility operations

p. 67

comment	247	comment by: <i>KLM</i>		
	<p>Further explanation needed.</p> <p>Specify what the intention of this rule is. The text is very vague and can mean anything or nothing.</p> <p>Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant.</p>			
response	<p><i>Noted</i></p> <p>The purpose of the rule is to ensure that LVP are established at an aerodrome. The details are included in AMC1 - ADR.OPS.B.045</p>			

comment	613	comment by: Vienna International Airport
	"mitigate risks to" change to "ensure the safety of"	
response	<i>Accepted</i>	
	Text revised accordingly	
comment	879	comment by: DGAC Direction Générale de l'aviation civile
	<p><u>1. Affected paragraphs</u></p> <ul style="list-style-type: none"> ANNEX III — Part-OPS —ADR-OPS.B.045 — Low visibility operations (p67) 	
	<p><u>2. Justification and proposed text / comment</u></p> <p>The procedures are not only intended to mitigate risks. It is consequently proposed to improve the writing as follows: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks for aerodrome operations in such conditions"</p>	
response	<i>Partially accepted</i>	
	Text has been revised but not as proposed. The phrase "to ensure the safety of" has replaced the phrase "to mitigate risks to"	
comment	892	comment by: Union des Aéroports français - UAF
	Attachment #303	
	UAF	NPA 2011-20 (B.I) ADR.OPS.B.045
	Référence:	ADR.OPS.B.045
	"The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."	
	Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.	
response	<i>Accepted</i>	
	The issue has been addressed in a new implementing rule ADR.OPS.B.001	
comment	1190	comment by: ADP : Aeroports de Paris
	<p>Référence: ADR.OPS.B.045 "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p>	

Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions."

Justification Cf. 3ieme Commentaire général n°2867.

Traduction de courtoisie

Should be amended as follows: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions."

Cf. 3rd General comment n°2867.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 1429 comment by: *Salzburger Flughafen GmbH*

"mitigate risks to" change to "ensure the safety of"

response *Accepted*

Text revised accordingly

comment 1523 comment by: *Flughafen Linz-Hörsching - LNZ/LOWL*

"mitigate risks to" change to "ensure the safety of"

response *Accepted*

Text revised accordingly

comment 1609 comment by: *Euroairport Bâle-Mulhouse*

Attachment [#304](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.045

Référence: ADR.OPS.B.045
 "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."

Traduction de courtoisie
 Should be amended as follows: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions."
 Cf. General comment n°2.

response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	1667 <i>comment by: Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i> "mitigate risks to" change to "ensure the safety of"
response	<i>Accepted</i> Text revised accordingly
comment	1699 <i>comment by: Swedish Transport Agency</i> ADR-OPS.B.045 — Low visibility operations. Suggest to change the text to: The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks caused by aerodrome operations in such conditions.
response	<i>Noted</i>
comment	1728 <i>comment by: Flughafen Graz Betriebs GmbH</i> "mitigate risks to" change to "ensure the safety of"
response	<i>Accepted</i> Text revised accordingly
comment	2006 <i>comment by: Geneva International Airport (ROMIG)</i> The end of the sentence should be changed to read "...implement means and procedures to ensure the safety of aerodrome operations in such conditions." In this proposition, the terms " <u>risk mitigation</u> " are removed as these can create confusion using them outside of the context of safety management. The use of the terms "hazard" and "risk" should be avoided in regulatory frameworks as they are not adequately understood by all people applying the regulation.
response	<i>Accepted</i> Text revised accordingly
comment	2076 <i>comment by: ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i> Attachment #305 ADBM - NPA 2011-20 (B.I) ADR.OPS.B.045 Référence: ADR.OPS.B.045

	<p>"The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures <u>within the limits of its competences</u>, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2135 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>Should be amended as follows: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures <u>within the limits of its competences</u>, to mitigate risks to aerodrome operations in such conditions."</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2140 comment by: <i>AIRBUS</i></p> <p>The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to for aerodrome operations in such conditions.</p> <p>Mitigating the risks is one of the reasons of establishing and implementing means and procedures but not the only reason.</p>
response	<p><i>Partially accepted</i></p> <p>Text has been revised but not as proposed. The phrase "to ensure the safety of" has replaced the phrase "to mitigate risks to"</p>
comment	<p>2156 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #306</p> <p>UAF NPA 2011-20 (B.I) ADR.OPS.B.045</p> <p>Référence: ADR.OPS.B.045</p> <p>"The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures <u>within the limits of its competences</u>, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.</p>

response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2310 comment by: Pau Pyrénées Airport - PUF/LFBP Should be amended as follows: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2439 comment by: Aéroport de Tours Val de Loire - TUF/LFOT the aerodrome operator to be used under low visibility conditions shall establish and implement means ans procedures within the limts of its competences to migrate risks to aerodrome operations in such condition
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2559 comment by: AENA - Aeropuertos Españoles y Navegación Aérea The procedures are not only intended to mitigate risks. It is consequently proposed to improve the writing as follows: <i>"The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks for aerodrome operations in such conditions"</i>
response	<i>Partially accepted</i> Text has been revised but not as proposed. The phrase "to ensure the safety of" has replaced the phrase "to mitigate risks to"
comment	2577 comment by: IATA ADR-OPS.B.045 – Low visibility operations The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions. Further explanation needed. Specify what the intention of this rule is. The text is very vague and can mean anything or nothing. Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant

response *Noted*

The purpose of the rule is to ensure that LVP are established at an aerodrome. The details are included in AMC1 - ADR.OPS.B.045

comment 2836 comment by: *Flughafen Klagenfurt*

mitigate risks to" change to "ensure the safety of"

response *Accepted*

Text revised accordingly

comment 2910 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OPS.B.045	"The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."
Proposition/commentaire	Il convient d'apporter la modification suivante: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in such conditions."
Justification	Cf. Commentaire général n°2.
Traduction de courtoisie	Should be amended as follows: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 3210 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*

The end of the sentence should be changed to read "...implement means and procedures to ensure the safety of aerodrome operations in such conditions."

response *Accepted*

Text revised accordingly

comment	<p>3237 comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i></p> <p>Attachment #307</p> <p>SEARD NPA 2011-20 (B.I) ADR.OPS.B.045</p> <p>Référence: ADR.OPS.B.045 "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>3340 comment by: <i>AEA - Association of European Airlines</i></p> <p>ADR-OPS.B.045 – Low visibility operations The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions.</p> <p>Comments Further explanation needed.</p> <p>Specify what the intention of this rule is. The text is very vague and can mean anything or nothing.</p> <p>Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant.</p>
response	<p><i>Noted</i></p> <p>The purpose of the rule is to ensure that LVP are established at an aerodrome. The details are included in AMC1 - ADR.OPS.B.045</p>
comment	<p>3516 comment by: <i>Aéroport Paris Vatry - XCR/LFOK</i></p> <p>NPA 2011-20 (B.I) ADR.OPS.B.045</p> <p>Référence: ADR.OPS.B.045 "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator of aerodromes to</p>

be used under low visibility conditions shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 3551 comment by: *Tarbes-Lourdes-Pyrénées airport*
NPA 2011-20 (B.I) ADR.OPS.B.045

Référence: ADR.OPS.B.045
"The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures to mitigate risks to aerodrome operations in such conditions."

Traduction de courtoisie
Should be amended as follows: "The aerodrome operator of aerodromes to be used under low visibility conditions shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in such conditions." Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

ANNEX III - Part-OPS - ADR-OPS.B.050 – Operations in adverse weather conditions

p. 67

comment 54 comment by: *Belfast International Airport - BFS/EGAA*
Define the meaning of adverse weather conditions as most UK weather relates to winter or low visibility operations.

response *Noted*

Winter and low visibility operations have been dealt with in the previous rules. The present rule refers to strong winds, heavy rain, thunderstorms or excessive heat wave, as it is mentioned in AMC1 - ADR.OPS.B.050

comment 248 comment by: *KLM*

Further explanation needed.

Specify what the intention of this rule is.
The text is very vague and can mean anything or nothing.

Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant.

response *Noted*

Further information has been included in AMC1 - ADR.OPS.B.050

comment	614	comment by: <i>Vienna International Airport</i>
	"mitigate risks to" change to "ensure the safety of"	

response	<i>Accepted</i>
	Text revised accordingly

comment	690	comment by: <i>Belfast International Airport - BFS/EGAA</i>
	Strongly agree	

response	<i>Noted</i>
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comment	874	comment by: <i>DGAC Direction Générale de l'aviation civile</i>
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1. Affected paragraphs

- ANNEX III — Part-OPS —ADR-OPS.B.035 — Operations in winter conditions (p67)

2. Justification and proposed text / comment

The procedures are not only intended to mitigate risks.

It is consequently proposed to improve the writing as follows:

"The aerodrome operator of aerodromes to be used during winter conditions shall establish and implement means and procedures to mitigate risks for aerodrome operations in such conditions"

response	<i>Partially accepted</i>
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	Text revised but not as proposed, because the intent is to ensure the safety of aerodrome operations as it is also required by Annex Va, B.1.(e)
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comment	881	comment by: <i>DGAC Direction Générale de l'aviation civile</i>
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1. Affected paragraphs

- ANNEX III — Part-OPS —ADR-OPS.B.050 — Operations in adverse weather conditions (p67)

2. Justification and proposed text / comment

The procedures are not only intended to mitigate risks.

It is consequently proposed to improve the writing as follows:

"The aerodrome operator shall establish and implement means and procedures to mitigate risks for aerodrome operations in adverse weather conditions"

response	<i>Partially accepted</i>
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	Text revised but not as proposed, because the intent is to ensure the safety of aerodrome operations as it is also required by Annex Va, B.1.(e)
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comment	<p>893 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #308</p> <p>UAF NPA 2011-20 (B.I) ADR.OPS.B.050</p> <p>Référence: ADR.OPS.B.050 "The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in adverse weather conditions." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>1191 comment by: <i>ADP : Aeroports de Paris</i></p> <p>Référence: ADR.OPS.B.050 "The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions."</p> <p>Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in adverse weather conditions."</p> <p>Justification Cf. 3ieme Commentaire général n°2867.</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in adverse weather conditions." Cf. 3rd General comment n°2867.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>1380 comment by: <i>Gatwick Airport Ltd</i></p> <p>Amend to read "In accordance with ADR.OR.D.025, shall establish and implement procedures to mitigate risks in adverse weather conditions.</p> <p>Justification</p> <p>Operations in adverse weather require a coordination response across</p>

	many third parties and the aerodrome operator.
response	<i>Noted</i> The coordination issue has been addressed in AMC1 - ADR.OPS.B.050
comment	1430 comment by: <i>Salzburger Flughafen GmbH</i> "mitigate risks to" change to "ensure the safety of"
response	<i>Accepted</i> Text revised accordingly
comment	1524 comment by: <i>Flughafen Linz-Hörsching - LNZ/LOWL</i> "mitigate risks to" change to "ensure the safety of"
response	<i>Accepted</i> Text revised accordingly
comment	1610 comment by: <i>Euroairport Bâle-Mulhouse</i> Attachment #309 Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.050 Référence: ADR.OPS.B.050 "The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions." Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in adverse weather conditions." Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	1668 comment by: <i>Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i> "mitigate risks to" change to "ensure the safety of"
response	<i>Accepted</i> Text revised accordingly
comment	1729 comment by: <i>Flughafen Graz Betriebs GmbH</i> "mitigate risks to" change to "ensure the safety of"

response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>
comment	<p>2007 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>Adverse weather operations covers the situations presented in ADR-OPS.B.035 (Operations in winter conditions) and ADR-OPS.B.045 (Low visibility operations).</p> <p>Why is this article needed? Either there should be more detail in ADR-OPS.B.050 and the other two should be deleted or this article is not needed.</p>
response	<p><i>Noted</i></p> <p>This requirement comes directly from Annex Va, B.1.(e) of the BR</p>
comment	<p>2079 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #310</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OPS.B.050</p> <p>Référence: ADR.OPS.B.050 "The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in adverse weather conditions." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2137 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>Should be amended as follows: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in adverse weather conditions."</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2144 comment by: <i>AIRBUS</i></p> <p>The aerodrome operator shall establish and implement means and procedures to mitigate risks to for aerodrome operations in adverse</p>

	weather conditions. Mitigating the risks is one of the reasons of establishing and implementing means and procedures but not the only reason.
response	<i>Partially accepted</i> Text revised but not as proposed, because the intent is to ensure the safety of aerodrome operations as it is also required by Annex Va, B.1.(e)
comment	2155 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i> Attachment #311 UAF NPA 2011-20 (B.I) ADR.OPS.B.050 Référence: ADR.OPS.B.050 "The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions." Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in adverse weather conditions." Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2309 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i> Cf. General comment n°2. Should be amended as follows: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in adverse weather conditions."
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2465 comment by: <i>Aéroport de Tours Val de Loire - TUF/LFOT</i> the aerodrome operator shall establish and implement means and procedures within the limits of its competences to mitigate.....
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2561 comment by: <i>AENA - Aeropuertos Españoles y Navegación</i>

	<i>Aérea</i>
	<p>The procedures are not only intended to mitigate risks. It is consequently proposed to improve the writing as follows: "The aerodrome operator shall establish and implement means and procedures to mitigate risks for aerodrome operations in adverse weather conditions"</p>
response	<p><i>Partially accepted</i></p> <p>Text revised but not as proposed, because the intent is to ensure the safety of aerodrome operations as it is also required by Annex Va, B.1.(e)</p>
comment	<p>2578 comment by: IATA</p> <p>ADR-OPS.B.050 – Operations in adverse weather conditions The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions.</p> <p>Further explanation needed.</p> <p>Specify what the intention of this rule is. The text is very vague and can mean anything or nothing.</p> <p>Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant.</p> <p>ADR-OPS.B.050 – Operations in adverse weather conditions The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions.</p> <p>Further explanation needed.</p> <p>Specify what the intention of this rule is. The text is very vague and can mean anything or nothing.</p> <p>Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant.</p>
response	<p><i>Noted</i></p> <p>Further information has been included in AMC1 - ADR.OPS.B.050</p>
comment	<p>2838 comment by: Flughafen Klagenfurt</p> <p>"mitigate risks to" change to "ensure the safety of"</p>
response	<p><i>Accepted</i></p>

Text revised accordingly

comment 2912 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OPS.B.050	"The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions."
Proposition/commentaire	Il convient d'apporter la modification suivante: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in adverse weather conditions."
Justification	Cf. Commentaire général n°2.
Traduction de courtoisie	Should be amended as follows: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in adverse weather conditions." Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 3211 comment by: *Airport St. Gallen-Altenrhein - ACH/LSZR*

Is this article necessary, either the three article above cover the topic or this article needs to be much more specific.

response *Noted*

Annex Va, B.1(e) makes a clear distinction between low visibility, winter and adverse weather conditions

comment 3238 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*Attachment [#312](#)

SEARD NPA 2011-20 (B.I) ADR.OPS.B.050

Référence: ADR.OPS.B.050
 "The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions."

	<p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences, to mitigate risks to aerodrome operations in adverse weather conditions." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>3316 comment by: CAA SR</p> <p>Proposal:</p> <p>ADR-OPS.B.050 — Operations in adverse weather conditions The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions.</p> <p>The aerodrome operator shall, together with the ANSPs and major aircraft operators at the aerodrome, and other parties, establish and implement procedures required to mitigate the risk of operation of the aerodrome under adverse weather conditions such as strong winds, heavy rain and thunderstorms, including the suspension of operations on the runway(s) if deemed necessary.</p>
response	<p><i>Noted</i></p> <p>The Agency decided to detail adverse weather conditions in the AMC and keep at IR level the high level requirement</p>
comment	<p>3341 comment by: AEA - Association of European Airlines</p> <p>ADR-OPS.B.050 — Operations in adverse weather conditions The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions.</p> <p>Comments Further explanation needed.</p> <p>Specify what the intention of this rule is. The text is very vague and can mean anything or nothing.</p> <p>Reference to be given to the AMC if available or even better add the AMC and/or GM to this text to understand what is meant.</p>
response	<p><i>Noted</i></p> <p>Further information has been included in AMC1 - ADR.OPS.B.050</p>

comment	3517	comment by: <i>Aéroport Paris Vatry - XCR/LFOK</i>
	NPA	2011-20 (B.I) ADR.OPS.B.050
	Référence:	ADR.OPS.B.050
	"The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions."	
	Traduction	de courtoisie
	Should be amended as follows: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in adverse weather conditions."	
	Cf. General comment n°2.	
response	<i>Accepted</i>	
	The issue has been addressed in a new implementing rule ADR.OPS.B.001	
comment	3552	comment by: <i>Tarbes-Lourdes-Pyrénées airport</i>
	NPA	2011-20 (B.I) ADR.OPS.B.050
	Référence:	ADR.OPS.B.050
	"The aerodrome operator shall establish and implement means and procedures to mitigate risks to aerodrome operations in adverse weather conditions."	
	Traduction	de courtoisie
	Should be amended as follows: "The aerodrome operator shall establish and implement means and procedures within the limits of its competences , to mitigate risks to aerodrome operations in adverse weather conditions."	
	Cf. General comment n°2.	
response	<i>Accepted</i>	
	The issue has been addressed in a new implementing rule ADR.OPS.B.001	

ANNEX III - Part-OPS - ADR-OPS.B.055 — Fuel quality

p. 67

comment	131	comment by: <i>Flughafen Düsseldorf GmbH</i>
	The aerodrome operator shall ensure [g1] that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification.	
	[g1]Auch hier sollte Adressat das Unternehmen direkt sein!	
response	<i>Noted</i>	
comment	177	comment by: <i>CAA-NL</i>

We suggest to delete this paragraph. This is already regulated in ADR.OR.D.025 – coordination with other relevant organisations. Furthermore it is not the aerodrome operators responsibility to ensure that organisations involved in storing and dispensing fuel to aircraft have procedures for fuel quality. This is a responsibility of aircraft operators who have contracts with these fuel providers. This is specially the case when the fuel is supplied from outside locations to the aerodrome it is too demanding to audit organisations storing and dispensing fuel to aircraft and verify the fuel quality.

response *Noted*

Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055

comment 249

comment by: *KLM*

Delete 055 in total.

The quality of fuel is the responsibility of oil companies and aircraft operators. The aerodrome operator has no competence in this domain and shall not get involved.

response *Noted*

Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055

comment 313

comment by: *BAA Airside operations*

Support - We support the proposal for the role proposed for the aerodrome operator.

response *Noted*

comment 424

comment by: *Edinburgh Airport*

ADR.OPS.B.055 - Support
Edinburgh Airport support the proposal for the role proposed for the aerodrome operator.

response *Noted*

comment 476

comment by: *Avinor*

ADR.OPS.B.055. Delete. It seems unreasonable that the aerodrome

	operator shall be responsible of the quality of the aircraft fuel as long as the aerodrome operator is not the fuel supplier.			
response	<i>Noted</i>			
	Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055			
comment	674	comment by: <i>Exeter International Airport</i>		
	ADR.OPS.B.055 : We support the proposal for the role proposed for the aerodrome operator.			
response	<i>Noted</i>			
comment	709	comment by: <i>Flughafen Duesseldorf GmbH</i>		
	The airports cannot directly ensure quality within the contracts between airlines and fueling companies.			
response	<i>Noted</i>			
	Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055			
comment	894	comment by: <i>Union des Aéroports français - UAF</i>		
	Attachment #313			
	UAF	NPA	2011-20	(B.I) ADR.OPS.B.055
	Référence: ADR.OPS.B.055 "The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."			
	Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification." Cf. General comment n°2.			
response	<i>Accepted</i>			
	The issue has been addressed in a new implementing rule ADR.OPS.B.001			

comment	<p>907 comment by: <i>Aéroport La Rochelle - LRH/LFBH</i></p> <p>Attachment #314</p> <p>LFBH NPA 2011-20 (B.I) ADR.OPS.B.055</p> <p>Référence: ADR.OPS.B.055 "The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."</p> <p>Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure within the limits of its competences that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>942 comment by: <i>Airport Nuremberg - NUE/EDDN</i></p> <p>Since the aerodrome operator rarely provides fuel services itself and the monitoring of the actual fuel quality can hardly be illustrated without an enourmas additional effort, the word "ensure" should be changed to "oblige".</p>
response	<p><i>Noted</i></p> <p>Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055</p>
comment	<p>1136 comment by: <i>Cologne/Bonn Airport</i></p> <p>replace „ensure that“ by „oblige“; Airports cannot directly/physically ensure qualitiy within the contracts between Airlines and fueling companies</p>
response	<p><i>Noted</i></p> <p>Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055</p>

comment	<p data-bbox="383 201 454 235">1192</p> <p data-bbox="861 201 1396 235">comment by: ADP : Aeroports de Paris</p> <p data-bbox="383 257 1404 392">Référence: ADR.OPS.B.055 "The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."</p> <p data-bbox="383 414 1404 582">Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure within the limits of its competences that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."</p> <p data-bbox="383 604 1125 638">Justification Cf. 3ieme Commentaire général n°2867.</p> <p data-bbox="383 672 758 705">Traduction de courtoisie</p> <p data-bbox="383 705 1404 840">Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."</p> <p data-bbox="383 862 845 896">Cf. 3rd General comment n°2867.</p>
response	<p data-bbox="383 952 510 985"><i>Accepted</i></p> <p data-bbox="383 1008 1396 1041">The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>

comment	<p data-bbox="383 1108 454 1142">1212</p> <p data-bbox="614 1108 1396 1142">comment by: DGAC Direction Générale de l'aviation civile</p> <p data-bbox="383 1164 734 1198"><u>1. Affected paragraphs</u></p> <ul data-bbox="430 1220 1404 1332" style="list-style-type: none"> • ANNEX III — Part-OPS — ADR-OPS.B.055 — Fuel quality (p67) • AMC/GM to ANNEX III — Part-OPS —AMC-ADR-OPS. B.055 — Fuel quality (p160) <p data-bbox="383 1400 1077 1433"><u>2. Justification and proposed text / comment</u></p> <p data-bbox="383 1433 1109 1467">This comment is linked with comment 938 in book II.</p> <p data-bbox="383 1467 1404 1758">In France, it is not an aerodrome operator's responsibility to perform oversight of fuel service providers: industry standards exist, the airlines and the fuel service providers have some responsibilities and some other authorities ("DRIRE") oversee fuel related matters. The current wording specifically assigns this responsibility to the aerodrome operator which is in contradiction with the French system and legal provisions. It is essential to provide flexibility for this item. Thus, DGAC proposes to indicate that this is done "<i>without prejudice to the system and legal provisions of the relevant Member State</i>".</p> <p data-bbox="383 1758 1404 1848">Moreover, in the corresponding AMC, the wording "<i>implement</i>" is too strong, DGAC proposes to take the wording used in ADR-OPS.B.055 instead: "<i>have</i>".</p> <p data-bbox="383 1848 1404 2004">Finally, the word "<i>qualified</i>" should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions.</p>
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ADR-OPS.B.055 – Fuel quality

"The aerodrome operator shall ~~ensure~~ **verify** that organisations involved in storing and dispensing of fuel to aircraft ~~ensure they~~ have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification, without prejudice to the system and legal provisions of the relevant Member State."

AMC-ADR-OPS.B.055 – Fuel quality

"(a) Without prejudice to the system and legal provisions of the relevant Member State, ~~t~~The aerodrome operator should ~~ensure~~ **verify**, either by itself or through formal arrangements with third parties, that organisations involved in storing and dispensing of fuel to aircraft, ~~implement~~ **have** procedures to:

- (1) Maintain the installations and equipment for storing and dispensing the fuel in such condition so as not to render unfit for use in aircraft;
- (2) Mark such installations and equipment in a manner appropriate to the grade of the fuel;
- (3) Take fuel samples at appropriate stages during the storing and dispensing of fuel to aircraft, and maintain records of such samples; and
- (4) Use adequately ~~qualified and~~ trained staff in storing, dispensing and otherwise handling fuel on the aerodrome."

response *Partially accepted*

Concerning the comment on the implementing rule, the word "ensure" has been changed to "verify".

The proposal to include the phrase "without prejudice to the system and legal provisions of the relevant Member State" is not accepted.

comment 1228 comment by: Bristol Airport - BRS/EGGD

ADR.OPS.B.055	Support	We support the proposal for the role proposed for the aerodrome operator.
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response *Noted*

comment 1365 comment by: MST / STR - Stuttgart Airport

Zum Begriff "**ensure**" und die damit verbundene Problematik vgl. bereits Kommentare bezüglich ADR.OR.D.025 + AMC!

- **Hier werden die Pflichten des Flughafenbetreibers unangemessen ausgedehnt!**
- **In Betracht kommt allenfalls, dass der Flughafenbetreiber dies mit den entsprechenden Dienstleistern (nochmals) vertraglich vereinbart. Das muss ausreichen!**
- **Völlig praxisfern ist es jedoch, wenn der Flughafenbetreiber die "Fuel Quality" "als Garant" sicherstellen soll. An dieser Stelle wird nochmals auf die mögliche Auslegung des Begriff "ensure" hingewiesen! Damit verbunden könnte eine**

Haftung des Flughafenbetreibers sein, die er weder versichern noch tatsächlich beherrschen kann.

- **To prevent any misleading interpretation of this wording ("ensure") the term "ensure" should be replaced with the term "shall oblige that organisations" (by means of contractual arrangements).**
- Im Übrigen vgl. Kommentare im AMC zu ADR-OPS.B.055

response *Noted*

comment *1382* comment by: *Gatwick Airport Ltd*

Support

Justification

We support the proposal for the role proposed for the aerodrome operator.

response *Noted*

comment *1404* comment by: *Zürich Airport*

Delete completely. The aerodrome operator hasn't any competence in this area. It is the responsibility of aircraft operators and oil companies.

response *Noted*

Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055

comment *1611* comment by: *Euroairport Bâle-Mulhouse*

Attachment [#315](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.055

Référence: ADR.OPS.B.055
 "The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."

Traduction de courtoisie
 Should be amended as follows: "The aerodrome operator shall ensure **within the limits of its competences** that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."
 Cf. General comment n°2.

response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	1938 comment by: <i>Stansted Airport</i> ADR.OPS.B.055 Support Stansted Airport supports the proposal for the role proposed for the aerodrome operator.
response	<i>Noted</i>
comment	1987 comment by: <i>London Luton Airport Operations Ltd</i> these procedures should exist in the petrol and oil industry. It is good to see it is included in the IR's.
response	<i>Noted</i>
comment	2062 comment by: <i>Airport Operators Association</i> ADR.OPS.B.055 AOA supports the proposal for the role envisaged for the aerodrome operator.
response	<i>Noted</i>
comment	2084 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i> Attachment #316 ADBM - NPA 2011-20 (B.I) ADR.OPS.B.055 Référéce: ADR.OPS.B.055 "The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification." Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure <u>within the limits of its competences</u> that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification." Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2138 comment by: <i>Aéroport de Marseille - MRS/LFML</i>

	Should be amended as follows: "The aerodrome operator shall ensure <u>within the limits of its competences</u> that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."				
response	<i>Accepted</i>				
	The issue has been addressed in a new implementing rule ADR.OPS.B.001				
comment	2154	comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i>			
	Attachment #317				
	UAF	NPA	2011-20	(B.I)	ADR.OPS.B.055
	Référence: ADR.OPS.B.055				
	"The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."				
	Traduction de courtoisie				
	Should be amended as follows: "The aerodrome operator shall ensure <u>within the limits of its competences</u> that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification." Cf. General comment n°2.				
response	<i>Accepted</i>				
	The issue has been addressed in a new implementing rule ADR.OPS.B.001				
comment	2241	comment by: <i>CAA CZ</i>			
	Comment by Karlovy Vary airport				
	We proposed modified wording of following paragraph :				
	ADR-OPS.B.055 — Fuel quality				
	The aerodrome operator shall have a programme to ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification.				
response	<i>Noted</i>				
	The proposal is not clear enough				
comment	2307	comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i>			
	Should be amended as follows: "The aerodrome operator shall ensure <u>within the limits of its competences</u> that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification." The refueler must remain responsible for the quality of its fuel. Cf. General comment n°2.				
response	<i>Accepted</i>				

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 2464 comment by: *Aéroport de Tours Val de Loire - TUF/LFOT*
the aerodrome operator shall ensure within **the limits of its competences**

response *Accepted*
The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 2493 comment by: *Aéroports De Lyon*
Actuellement: l'avitailleur est un tiers n'agissant pas pour le compte de l'exploitant
Problème de compétence: le gestionnaire n'a pas les compétences nécessaires dans le traitement des données recueillies lors d'audits potentiels
Qu'entend l'EASA par "shall ensure"? Jusqu'où le gestionnaire doit-il aller?
Proposition: ces exigences ne devraient-elles pas être intégrées à la réglementation applicable pour les essenciers?

response *Noted*
Annex Va, B.1.(g) of the BR assigns the responsibility to the aerodrome operator to ensure that procedures exists to provide fuel which is uncontaminated and of the correct specification. It is acknowledged that the aerodrome operator may not have the competence/qualifications to oversee such process, However, the BR gives the option to the aerodrome operator to sub contract this activity to a third party. It has also to be mentioned that the IR should be read in conjunction with the accompanying AMC and GM in order to be more understandable

comment 2509 comment by: *Munich Airport International*
replace „ensure that“ by „oblige“
Justification: Airports cannot directly/physically ensure quality within the contracts between Airlines and fueling companies

response *Not accepted*
Annex Va, B.1.(g) of the BR requires the aerodrome operator to ensure that aircraft are provided with fuel which is uncontaminated and of the correct specification. Actually the responsibility of the aerodrome operator is limited to ensure the existence of procedures, which is considered more as an oversight function rather than involvement into the daily refuelling process

comment 2579 comment by: *IATA*
ADR-OPS.B.055 – Fuel quality
Delete 055 in total.
The quality of fuel is the responsibility of oil companies and aircraft

operators. The aerodrome operator has no competence in this domain and shall not get involved.

Further explanation

Airlines are responsible for the quality of the fuel and airlines have covered through IFQP these activities already. As you know, IFQP is not only covering fuel quality itself but checks facilities and equipment too.

Fuel specification requirements etc. are most of all a topic to be agreed on between airlines, fuel suppliers and manufacturers. We don't see an involvement of airports.

response *Noted*

Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055

comment

2645

comment by: *Infratil Airports Europe Ltd*

Document Reference: Annex II – Part OR (BI)

Page No: 67

Paragraph No: ADR.OPS.B.055

Comment We support the proposal for the role proposed for the aerodrome operator.

response *Noted*

comment

2730

comment by: *AENA - Aeropuertos Españoles y Navegación Aérea*

In Spain, it is not an aerodrome operator's responsibility to perform oversight of fuel service providers: industry standards exist, the airlines and the fuel service providers have some responsibilities and some other authorities oversee fuel related matters. The current wording specifically assigns this responsibility to the aerodrome operator which is in contradiction with the Spanihs system and legal provisions. It is essential to provide flexibility for this item. Thus, It is proposes to indicate that this is done "*without prejudice to the system and legal provisions of the relevant Member State*".

Moreover, in the corresponding AMC, the wording "*implement*" is too strong, It is proposed to take the wording used in ADR-OPS.B.055 instead: "*have*".

Finally, the word "*qualified*" should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions.

ADR-OPS.B.055 – Fuel quality

"The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification, without prejudice to the system and legal provisions of the relevant Member State."

AMC-ADR-OPS.B.055 – Fuel quality

"(a) Without prejudice to the system and legal provisions of the relevant Member State, tThe aerodrome operator should ensure, either by itself or through formal arrangements with third parties, that organisations involved in storing and dispensing of fuel to aircraft, implement have procedures to:

- (1) Maintain the installations and equipment for storing and dispensing the fuel in such condition so as not to render unfit for use in aircraft;*
- (2) Mark such installations and equipment in a manner appropriate to the grade of the fuel;*
- (3) Take fuel samples at appropriate stages during the storing and dispensing of fuel to aircraft, and maintain records of such samples; and*
- (4) Use adequately ~~qualified~~ and trained staff in storing, dispensing and otherwise handling fuel on the aerodrome."*

response

Partially accepted

Concerning the comment on the implementing rule, the word "ensure" has been changed to "verify".

The proposal to include the phrase "without prejudice to the system and legal provisions of the relevant Member State" is not accepted.

comment

2752

comment by: *Aberdeen Airport Airside Operations*

Support

we support the proposal for the role proposed for the aerodrome operator

response

Noted

comment

2774

comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OPS.B.055	Support	We support the proposal for the role proposed for the aerodrome operator.
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response

Noted

comment

2815

comment by: *Billund Airport - BLL/EKBI*

Page 67 – ADR-OPS.B.055 - Fuel quality:

The airport may never be held responsible for the storage and dispensing of aviation fuel and consequently be responsible for fuel quality and that the aircraft gets fueled in compliance with correct specifications.

response

Noted

Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is

uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055

comment 2888 comment by: *Cologne/Bonn Airport*
Delete this regulation; This is not covered by ICAO

response *Not accepted*
This is required by Annex Va, B.1.(g) of the BR

comment 2893 comment by: *Swedavia AB - Swedish airports (currently 11 airports)*
ADR.OPS.B.055. Delete. It seems unreasonable that the aerodrome operator shall be responsible of the quality of the aircraft fuel as long as the aerodrome operator is not the fuel supplier.

response *Noted*
Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055

comment 2913 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OPS.B.055	"The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."
Proposition/commentaire	Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure within the limits of its competences that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."
Justification	Cf. Commentaire général n°2.
Traduction de courtoisie	Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences that organisations involved in storing and dispensing of fuel to

	aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification.” Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	<i>3031</i> comment by: <i>East Midlands Airport - EMA/EGNX</i> East Midlands Airport supports this proposal and associated GM.
response	<i>Noted</i>
comment	<i>3055</i> comment by: <i>Norwich International Airport</i> ADR.OPS.B.055 NWI supports the proposal for the role proposed for the aerodrome operator.
response	<i>Noted</i>
comment	<i>3170</i> comment by: <i>Isavia</i> ADR.OPS.B.055. Delete. It seems unreasonable that the aerodrome operator shall be responsible of the quality of the aircraft fuel as long as the aerodrome operator is not the fuel supplier.
response	<i>Noted</i> Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055
comment	<i>3214</i> comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i> delete. not within the aerodrome operators competence.
response	<i>Noted</i> Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055

comment	<p>3239 comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i></p> <p>Attachment #318</p> <p>SEARD NPA 2011-20 (B.I) ADR.OPS.B.055</p> <p>Référence: ADR.OPS.B.055 "The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure <u>within the limits of its competences</u> that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>3294 comment by: <i>London Biggin Hill Airport</i></p> <p>ADR.OPS.B.055 We fully support the proposal for the role proposed for the aerodrome operator.</p>
response	<p><i>Noted</i></p>
comment	<p>3342 comment by: <i>AEA - Association of European Airlines</i></p> <p>ADR-OPS.B.055 – Fuel quality The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification.</p> <p>Comments Delete 055 in total.</p> <p>The quality of fuel is the responsibility of oil companies and aircraft operators. The aerodrome operator has no competence in this domain and shall not get involved.</p>
response	<p><i>Noted</i></p> <p>Annex Va, B.1.(g) assigns this responsibility to the aerodrome operator. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures in order to provide aircraft with fuel that it is uncontaminated and of the correct specification. This is consider being as an oversight function rather than an involvement into the daily refuelling process. The details are included in AMC1 - ADR.OPS.B.055 and GM1 - ADR.OPS.B.055</p>

comment	<p>3408 comment by: <i>ADV -German Airports Association</i></p> <p>ADR.OPS.B.055 replace „ensure that“ by „oblige“</p> <p>Justification Airports cannot directly/physically ensure quality within the contracts between Airlines and fueling companies</p>
response	<p><i>Noted</i></p> <p>Annex Va, B.1.(g) of the BR requires the aerodrome operator to ensure that aircraft are provided with fuel which is uncontaminated and of the correct specification. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures, which is considered more as an oversight function rather than involvement into the daily refuelling process</p>
comment	<p>3504 comment by: <i>Fraport AG</i></p> <p>ADR-OPS.B.055 - Fuel quality</p> <p>Editorial</p> <p>The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification.</p> <p>Proposed Text The aerodrome operator shall oblige that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification.</p> <p>Fraport AG: Better wording for the control of third parties.</p>
response	<p><i>Noted</i></p> <p>Annex Va, B.1.(g) of the BR requires the aerodrome operator to ensure that aircraft are provided with fuel which is uncontaminated and of the correct specification. Actually the responsibility of the aerodrome operator is limited to verify the existence of procedures, which is considered more as an oversight function rather than involvement into the daily refuelling process</p>
comment	<p>3518 comment by: <i>Aeroport Paris Vatry - XCR/LFOK</i></p> <p>NPA 2011-20 (B.I) ADR.OPS.B.055</p> <p>Référence: ADR.OPS.B.055 “The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct</p>

	specification.”
	Traduction de courtoisie Should be amended as follows: “The aerodrome operator shall ensure within the limits of its competences that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification.” Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	3553 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i> NPA 2011-20 (B.I) ADR.OPS.B.055 Référence: ADR.OPS.B.055 “The aerodrome operator shall ensure that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification.” Traduction de courtoisie Should be amended as follows: “The aerodrome operator shall ensure within the limits of its competences that organisations involved in storing and dispensing of fuel to aircraft have procedures to verify that aircraft are provided with uncontaminated fuel and of the correct specification.” Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001

ANNEX III - Part-OPS - ADR-OPS.B.060 – Access to the movement area

p. 67-68

comment	48 comment by: <i>ACI EUROPE - Airports Council International</i> (a) (2) insert “...movement are of NON FLYING animals...” Justification: would be impossible to have a fence that protects the aerodrome from birds
response	<i>Noted</i> (a) (2) has been deleted since it is covered by CS-ADR.DSN.T.920
comment	83 comment by: <i>CAA Norway</i> EASA has to clarify the difference between (a)(2) and (a)(3) in ADR-OPS.B.060 on page 67-68 and to ensure that there is no requirement for an extra fence.
response	<i>Noted</i>

(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920

comment	84	comment by: CAA Norway
	We suggest to move ADR-OPS.B.060 "Access to the movement area" on page 68 to GM. The text in paragraph CS-ADR-DSN.T.920 - Fencing, should be moved to replace the text in this paragraph.	
response	<i>Noted</i>	
	(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920	

comment	178	comment by: CAA-NL
	In (a) (2) please add 'non-flying' before 'animals, or make in a different way clear that the subject birds is not part of this requirement but is already dealt with in the requirement for wildlife strike hazard reduction.	
response	<i>Noted</i>	
	(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920	

comment	196	comment by: Swedavia AB - Swedish airports (currently 11 airports)
	(a) (2) Insert "...movement area of NON FLYING animals...". Would be impossible to have a fence that protects the aerodrome from large birds.	
	(a) (2) Change wording to "other suitable methods".	
	Clarify the difference between (a) (2) and (3) and to ensure that there is no requirement for an extra fence.	
response	<i>Noted</i>	
	(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920	

comment	230	comment by: SWISS AERODROMES ASSOCIATION
	This provision (a2) requires barriers to prevent entrance of animals. This is not possible for birds, which also are animals. The wording (non flying animals ?) should take this reality into account.	
response	<i>Noted</i>	
	(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920	

comment	477	comment by: Avinor
	ADR.OPS.B.060 (2). insert "non flying" between "...movement area of" and "animals...". It would be impossible to have a fence that protects the	

	aerodrome from birds.
response	<i>Noted</i> (a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920
comment	531 comment by: <i>Icelandic Civil Aviation Administration</i> EASA has to clarify the difference between (a)(2) and (a)(3) in ADR-OPS.B.060 on page 67-68 and to ensure that there is no requirement for an extra fence.
response	<i>Noted</i> (a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920
comment	551 comment by: <i>Estonian CAA</i> EASA has to clarify the difference between (a)(2) and (a)(3) in ADR-OPS.B.060 on page 67-68 and to ensure that there is no requirement for an extra fence.
response	<i>Noted</i> (a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920
comment	601 comment by: <i>Flughafen Düsseldorf GmbH</i> 2) Es sollte deutlich gemacht werden, dass hier nicht Vögel gemeint sind.
response	<i>Noted</i> (a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920
comment	710 comment by: <i>Flughafen Duesseldorf GmbH</i> Insert under(2) the movement of non flying animals, because it is impossible to have a fence to protect the aerodrome from birds.
response	<i>Noted</i> (a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920
comment	755 comment by: <i>Finnish Transport Safety Agency</i> EASA has to clarify the difference between (a)(2) and (a)(3) in ADR-OPS.B.060 on page 67-68 and to ensure that there is no requirement for an extra fence.
response	<i>Noted</i>

(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920

comment

885

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX III — Part-OPS —ADR-OPS.B.060 — Access to the movement area (p67-68)

2. Justification and proposed text / comment

This comment is **critical**. This IR should take into account the organisation of the member State.

The consistency of ADR-OPS.B.060 with the regulation on security should be checked. To avoid confusion, it is proposed to add "*without prejudice to regulation on security, the aerodrome operator should...*".

Paragraph 2 of ADR-OPS.B.060 is related to wildlife hazard and is a mean which can be used within the wildlife risk management program. Paragraph 3 is a security matter and should not be in these rules: the first comment above enable to deal with this point. These provisions are already dealt with in CS-ADR-DSN.T.920 — Fencing; and adding them in this IR is not consistent with the principle of the approval of the certification basis. These paragraphs should be deleted.

Moreover, for paragraph (1), the word "qualified" should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, which France already transposed for some professions.

ADR-OPS.B.060 — Access to the movement area

"(a) *Without prejudice to regulation on security, the aerodrome operator shall ensure that:*

(1) only trained and qualified persons are allowed unescorted access to the movement area;

(2) a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to

(3) a fence or barrier is located so as to separate the movement area and other facilities or zones on the aerodrome vital to the safe operation of aircraft from areas with unrestricted access."

response

Partially accepted

(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920

The proposal to include the phrase "without prejudice to regulation on safety" is not accepted

comment

895

comment by: Union des Aéroports français - UAF

Attachment [#319](#)

UAF

NPA

2011-20

(B.I)

ADR.OPS.B.060

Référence:

ADR.OPS.B.060

(a) "The aerodrome operator shall ensure that:"
 (a) (2) "a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"

Traduction de courtoisie
 (a) Should be amended as follows : "The aerodrome operator shall ensure within the limits of its competences, that:"
 Cf. General comment n°2.
 a) (2) It is appropriate to transfer this provision to certification specification (CS) by bringing the following change: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of non-flying animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"
 It goes without saying that fences do not apply to flying animals. Moreover, it concerns the technical characteristics of an infrastructure which is a matter of CS and not IR.

response

Accepted

(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920

The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001

comment

1120 ❖

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX I - Part-AR - ADR.AR.B.005 (a) (2) — Management System (p20)
- AMC/GM to ANNEX I — Part-AR — GM2-ADR.AR.B.005 AR.200(a) — Management system (p10)
- ANNEX II - Part-OR - ADR.OR.D.015 — Personnel requirements (p51-52)
- ANNEX II - Part-OR - ADR.OR.D.035 — Record keeping (p55)
- AMC/GM to ANNEX II — Part-OR — AMC1-ADR.OR.D.015(e) — Personnel requirements (p100)
- AMC/GM to ANNEX II — Part-OR — GM1-ADR.OR.D.015 AR200(e) — Personnel requirements (p100)
- ANNEX III — Part-OPS - ADR-OPS.B.010 (a)(3) — Rescue and fire-fighting services (p65)
- AMC/GM to ANNEX III — Part-OPS —AMC-ADR-OPS. B.055 — Fuel quality (p160)
- ANNEX III — Part-OPS —ADR-OPS.B.060 — Access to the movement area (p67-68)

2. Justification and proposed text / comment

This comment is linked with comment 869 in book II.

This comment is critical, as this is linked to an important European directive, it would be very stringent to implement it and the specifications

quoted contradict themselves.

All personnel do not have to receive a "qualification", as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions. **This word ("qualification") should not be used with the meaning of the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.**

All personnel do not have to receive a "qualification", as such a system is very stringent and would induce administrative burden, due to the directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: France already transposed this directive for some professions and it is very stringent.

However, it seems to be the meaning used here as specified in **AMC1-ADR.OR.D.015(e)**.

What is to be evaluated is the competency of people (including their training, their diploma, their skills). Training is generally adapted to the competency: some provisions use "competency" (which is adequate) and some others use "qualification".

Moreover, those specifications are not consistent as, for instance, GM2-ADR.AR.B.005 AR.200(a) which contradicts GM3-ADR.AR.B.005 (a)(2) which says that the aim is to ensure "personnel remain competent".

GM2-ADR.AR.B.005 AR.200(a) includes a non-adequate definition, and even say that "qualification does not necessarily imply competence", which is wrong.

It is consequently asked to delete references to "qualifications", which is an important remark from France, and to replace it by "competency". It is asked to delete references to the European directive, and to revise GM2-ADR.AR.B.005 AR.200(a) and GM3-ADR.AR.B.005 which define these words.

Proposal:

"ADR.AR.B.005 – Management system

(a) [...]

(2) [...] *Such personnel shall be ~~qualified~~ **competent** to perform their allocated tasks [...]*"

"GM2-ADR.AR.B.005 AR.200(a)(2) – Management system

~~QUALIFICATION~~ **COMPETENCY OF PERSONNEL**

*The term ~~qualification~~ **competency** denotes fitness for the purpose through fulfilment of the necessary conditions such as completion of required training, or acquisition of a diploma or degree.*

~~Qualification~~ *It could also be interpreted to mean capacity, knowledge, or skill that matches or suits an occasion, or makes someone eligible for a duty, office, position, privilege, or status.*

~~Qualification does not necessarily imply competence.~~

Certain posts may by nature be associated with the possession of certain qualifications in a specific field (e.g. civil or electrical engineering, wildlife

biology etc.). In such cases, the person occupying such a post is expected to possess the necessary qualifications at a level that is in accordance with the applicable national or community legislation.”

“ADR.OR.D.015 – Personnel requirements

[...]

(d) The aerodrome operator shall have sufficient and ~~qualified~~ **competent** personnel for the planned tasks and activities to be performed in accordance with the applicable requirements.

(e) The aerodrome operator shall maintain appropriate qualification, **if relevant**, and training records [...].”

“ADR.OR.D.035 – Record-keeping

[...]

(d) [...]

(5) personnel training, qualifications, **if relevant**, and medical records [...].”

“AMC1-ADR.OR.D.015(e) – Personnel requirements

DETERMINATION OF PERSONNEL NEEDS AND QUALIFICATIONS

(a) [...]

(b) The aerodrome operator should determine the required **competencies** ~~qualifications~~, in accordance with the applicable requirements (and the national and European Union legislation where this is applicable, **for qualifications**), and include them in the aerodrome manual. A documented system with defined responsibilities should be in place, in order to identify any needs for changes with regard to personnel qualifications **and/or competency**.”

“GM1-ADR.OR.D.015 AR200(e) – Personnel requirements

~~QUALIFICATION~~ **COMPETENCY OF PERSONNEL**

The term ~~qualification~~ **competency** denotes fitness for the purpose through fulfilment of the necessary conditions such as completion of required training, or acquisition of a diploma or degree. ~~Qualification~~ **It** could also be interpreted to mean capacity, knowledge, or skill that matches or suits an occasion, or makes someone eligible for a duty, office, position, privilege, or status.

~~Qualification does not necessarily imply competence.~~

Certain posts may by nature be associated with the possession of certain qualifications in a specific field (e.g. rescue and fire-fighting, civil, mechanical or electrical engineering, wildlife biology etc.). In such cases, the person occupying such a post is expected to possess the necessary qualifications at a level that is in accordance with the applicable national or European Union legislation.”

ADR-OPS.B.010 – Rescue and fire-fighting services

“(a) [...]

(3) rescue and fire-fighting personnel are properly trained and equipped **and qualified to operate in the aerodrome environment without prejudice to the system and legal provisions of the relevant Member State;**

[...]”

AMC-ADR-OPS.B.055 – Fuel quality (linked with comment n°908 on responsibilities)

“(a) **Without prejudice to the system and legal provisions of the relevant Member State, t**The aerodrome operator should ensure, either by itself or

through formal arrangements with third parties, that organisations involved in storing and dispensing of fuel to aircraft, ~~implement~~ **have** procedures to:

[...]

(4) Use adequately ~~qualified and trained~~ staff in storing, dispensing and otherwise handling fuel on the aerodrome."

response *Not accepted*

Annex Va, B.1.(l) of the BR requires that any person permitted unescorted access to the movement area and other operational areas shall be adequately trained and qualified for such access

comment *1138* comment by: *Cologne/Bonn Airport*

(2): add "non flying" animals;
It would be impossible to have a fence that protects the aerodrome from birds

response *Noted*

(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920

comment *1193* comment by: *ADP : Aeroports de Paris*

Référence: ADR.OPS.B.060

(a) "The aerodrome operator shall ensure that:"

(a) (2) "a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"

Proposition/commentaire

(a) Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure **within the limits of its competences**, that:"

(a) (2) Il convient de transférer cette disposition en spécification de certification (CS) en y apportant la modification suivante: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of **non-flying** animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"

Justification

Cf. 3ieme Commentaire général n°2867.

(a) (2) Il va de soi que les clôtures ne concernent pas les animaux volants. De plus cela concerne les caractéristiques techniques d'une infrastructure ce qui est du ressort des CS et non des IR.

Traduction de courtoisie

(a) Should be amended as follows : "The aerodrome operator shall ensure **within the limits of its competences**, that:"

Cf. 3rd General comment n°2867.

	<p>a) (2) It is appropriate to transfer this provision to certification specification (CS) by bringing the following change: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of non-flying animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"</p> <p>It goes without saying that fences do not apply to flying animals. Moreover, it concerns the technical characteristics of an infrastructure which is a matter of CS and not IR.</p>
response	<p><i>Accepted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p> <p>The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>1214 comment by: <i>Swedish Regional Airport Association</i></p> <p>Change wording to "other suitable methods"</p>
response	<p><i>Noted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p>
comment	<p>1377 comment by: <i>Danish Transport Authority</i></p> <p>To reflect the scale and complexity of the aerodrome and the individual requirements of the driver it will be necessary to move ADR-OPS.B.060 "Access to the movement area" to AMC/GM. The text in paragraph CS-ADR-DSN.T.920 - Fencing, should be moved to replace the text in this paragraph.</p>
response	<p><i>Noted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920.</p>
comment	<p>1378 comment by: <i>Danish Transport Authority</i></p> <p>(a) (3) To clarify the purpose of the subject additional GM should be provided. As comment under AMC-OPS.B.025 the objective would be to avoid unintentional presence of vehicles, pedestrians ect. from on airside to the designated movement area. Comments from parts of the industry have raised uncertainty about the subject.</p>
response	<p><i>Noted</i></p>

(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920

comment

1384

comment by: *Gatwick Airport Ltd*

(1)

Replace "trained" with "competent"

response

Not accepted

Annex Va, B.1.(l) of the BR requires that persons permitted unescorted access to the movement area and other operational areas shall be trained and qualified

comment

1395

comment by: *MST / STR - Stuttgart Airport*

- Bei (a) (2) ist unklar, welche Tiere gemeint sind.
- Es kann sich hier ja offensichtlich nur um "non-flying" animals handeln.....das sollte klarer gefasst werden.

response

Noted

(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920

comment

1612

comment by: *Euroairport Bâle-Mulhouse*Attachment [#320](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.060

Référence: ADR.OPS.B.060

(a) "The aerodrome operator shall ensure that:"
 (a) (2) "a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"

Traduction de courtoisie
 (a) Should be amended as follows : "The aerodrome operator shall ensure within the limits of its competences, that:"

Cf. General comment n°2.

a) (2) It is appropriate to transfer this provision to certification specification (CS) by bringing the following change: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of **non-flying** animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"
 It goes without saying that fences do not apply to flying animals.

	Moreover, it concerns the technical characteristics of an infrastructure which is a matter of CS and not IR.
response	<p><i>Accepted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p> <p>The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>1700 comment by: <i>Swedish Transport Agency</i></p> <p>ADR-OPS.B.060 . EASA has to clarify the difference between (a)(2) and (a)(3) in ADR-OPS.B.060 on page 67-68 and to ensure that there is no requirement for an extra fence.</p>
response	<p><i>Noted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p>
comment	<p>1701 comment by: <i>Swedish Transport Agency</i></p> <p>Paragraph ADR-OPS.B.060 — Access to the movement area should move to Guidance Material. The text in paragraph CS-ADR-DSN.T.920 — Fencing should replace the text in paragraph.</p>
response	<p><i>Not accepted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p>
comment	<p>1895 comment by: <i>Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i></p> <p>insert "...movement are of NON FLYING animals..."</p> <p>would be impossible to have a fence that protects the aerodrome from birds</p>
response	<p><i>Noted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p>
comment	<p>1908 comment by: <i>Birmingham Airport - BHX/EGBB</i></p> <p>Insert the words 'non-flying' in front of 'animals' Paragraph(2) ; not possible to fence out all birds</p>
response	<p><i>Noted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p>

comment	<p>1984 comment by: <i>London Luton Airport Operations Ltd</i></p> <p>at (1) change qualified to competent</p> <p>at (3) this is confusing as separating the movement area from other "zones" indicates separation by fence or barrier of security zones and facilities and this is not feasible. Clarity is needed.</p>
response	<p><i>Noted</i></p> <p>The comment on (a) (1) is not agreed since the requirement comes from Annex Va, B.1.(l) of the BR.</p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p>
comment	<p>2012 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>ADR.OPS.B.060 (2) - Insert "...movement area of <u>non flying</u> animals..." as it would be impossible to protect against all animals - notably birds (flying animals).</p>
response	<p><i>Noted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p>
comment	<p>2088 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #321</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OPS.B.060</p> <p>Référence: ADR.OPS.B.060 (a) "The aerodrome operator shall ensure that:" (a) (2) "a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"</p> <p>Traduction de courtoisie (a) Should be amended as follows : "The aerodrome operator shall ensure within the limits of its competences, that:" Cf. General comment n°2. a) (2) It is appropriate to transfer this provision to certification specification (CS) by bringing the following change: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of <u>non-flying</u> animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;" It goes without saying that fences do not apply to flying animals. Moreover, it concerns the technical characteristics of an infrastructure which is a matter of CS and not IR.</p>

	Moreover, it concerns the technical characteristics of an infrastructure which is a matter of CS and not IR.
response	<p><i>Accepted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p> <p>The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2231 comment by: <i>ENAC Ente Nazionale per l'Aviazione Civile</i></p> <p><i>In (a)(2) specify "NON FLYING" animals.</i></p>
response	<p><i>Noted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p>
comment	<p>2305 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>(a) Should be amended as follows : "The aerodrome operator shall ensure within the limits of its competences, that:" Cf. General comment n°2.</p> <p>a) (2) It is appropriate to transfer this provision to certification specification (CS) by bringing the following change: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of non-flying animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;" It goes without saying that fences do not apply to flying animals. Moreover, it concerns the technical characteristics of an infrastructure which is a matter of CS and not IR.</p> </div>
response	<p><i>Accepted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p> <p>The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2458 comment by: <i>Aéroport de Tours Val de Loire - TUF/LFOT</i></p> <p>the aerodrome operator shall ensure within the limits of its competences that</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2510 comment by: <i>Munich Airport International</i></p> <p>(a)</p>

	<p>(2): insert "...movement are of NON FLYING animals...."</p> <p>Justification: would be impossible to have a fence that protects the aerodrome from birds</p>
response	<p><i>Noted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p>
comment	<p>2560 comment by: <i>AENA - Aeropuertos Españoles y Navegación Aérea</i></p> <p>This comment is critical. This IR should take into account the organisation of the member State. The consistency of ADR-OPS.B.060 with the regulation on security should be checked. To avoid confusion, it is proposed to add "<i>without prejudice to regulation on security, the aerodrome operator should...</i>".</p> <p>Paragraph 2 of ADR-OPS.B.060 is related to wildlife hazard and is a mean which can be used within the wildlife risk management program. Paragraph 3 is a security matter and should not be in these rules: the first comment above enable to deal with this point. These provisions are already dealt with in CS-ADR-DSN.T.920 — Fencing; and adding them in this IR is not is consistent with the principle of the approval of the certification basis. These paragraphs should be deleted.</p> <p>Moreover, for paragraph (1), the word "qualified" should be avoided considering it is referring to very specific terminology laid down in directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.</p> <p>ADR-OPS.B.060 — Access to the movement area "(a) Without prejudice to regulation on security, tThe aerodrome operator shall ensure that: (1) only trained and qualified persons are allowed unescorted access to the movement area; (2) a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to (3) a fence or barrier is located so as to separate the movement area and other facilities or zones on the aerodrome vital to the safe operation of aircraft from areas with unrestricted access."</p>
response	<p><i>Partially accepted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p> <p>The proposal to include the phrase "without prejudice to regulation on safety" is not accepted</p>
comment	<p>2679 comment by: <i>HIA - Highlands and Islands Airports Limited</i></p>

	<p>B.060 (a) (1) - Change to - <i>Only trained, qualified and <u>authorised</u> persons.....</i></p> <p>A person may be qualified but the airport may decide that unescorted access is not appropriate.</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>

comment	<p>2764 comment by: TAG Farnborough Airport Ltd</p> <p>Para (a) (2) - For many smaller airfields this condition would be far too onerous. Remove entirely.</p>
response	<p><i>Not accepted</i></p> <p>The provision apply to all aerodrome falling under the scope of the BR</p>

comment	<p>2914 comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Référence: ADR.OPS.B.060</td> <td> <p>(a) "The aerodrome operator shall ensure that:"</p> <p>(a) (2) "a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"</p> </td> </tr> <tr> <td>Proposition/commentaire</td> <td> <p>(a) Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure within the limits of its competences, that:"</p> <p>(a) (2) Il convient de transférer cette disposition en spécification de certification (CS) en y apportant la modification suivante: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of non-flying animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>L'opportunité de la barriere est à prévoir (façade maritime)</p> </div> </td> </tr> </table>	Référence: ADR.OPS.B.060	<p>(a) "The aerodrome operator shall ensure that:"</p> <p>(a) (2) "a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"</p>	Proposition/commentaire	<p>(a) Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure within the limits of its competences, that:"</p> <p>(a) (2) Il convient de transférer cette disposition en spécification de certification (CS) en y apportant la modification suivante: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of non-flying animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>L'opportunité de la barriere est à prévoir (façade maritime)</p> </div>
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Proposition/commentaire	<p>(a) Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure within the limits of its competences, that:"</p> <p>(a) (2) Il convient de transférer cette disposition en spécification de certification (CS) en y apportant la modification suivante: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of non-flying animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>L'opportunité de la barriere est à prévoir (façade maritime)</p> </div>				

Justification	(a) Cf. Commentaire général n°2. (a) (2) Il va de soi que les clôtures ne concernent pas les animaux volants. De plus cela concerne les caractéristiques techniques d'une infrastructure ce qui est du ressort des CS et non des IR.
Traduction de courtoisie	(a) Should be amended as follows : "The aerodrome operator shall ensure within the limits of its competences , that:" Cf. General comment n°2. a) (2) It is appropriate to transfer this provision to certification specification (CS) by bringing the following change: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of non-flying animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;" It goes without saying that fences do not apply to flying animals. Moreover, it concerns the technical characteristics of an infrastructure which is a matter of CS and not IR.

response *Accepted*

(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920

The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001

comment 3171

comment by: *Isavia*

EASA has to clarify the difference between (a)(2) and (a)(3) in ADR-OPS.B.060 on page 67-68 and to ensure that there is no requirement for an extra fence.

response *Noted*

(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920

comment 3172

comment by: *Isavia*

ADR.OPS.B.060 (2). Insert "non flying" between "...movement area of" and "animals...". It would be impossible to have a fence that protects the aerodrome from birds.

response	<p><i>Noted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p>
comment	<p>3216 comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i></p> <p>ammend " area of non-flying animals big"</p>
response	<p><i>Noted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p>
comment	<p>3240 comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i></p> <p>Attachment #323</p> <p>SEARD NPA 2011-20 (B.I) ADR.OPS.B.060</p> <p>Référence: ADR.OPS.B.060 (a) "The aerodrome operator shall ensure that:" (a) (2) "a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"</p> <p>Traduction de courtoisie (a) Should be amended as follows : "The aerodrome operator shall ensure within the limits of its competences, that:" Cf. General comment n°2. a) (2) It is appropriate to transfer this provision to certification specification (CS) by bringing the following change: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of non-flying animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;" It goes without saying that fences do not apply to flying animals. Moreover, it concerns the technical characteristics of an infrastructure which is a matter of CS and not IR.</p>
response	<p><i>Noted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p> <p>The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>3409 comment by: <i>ADV -German Airports Association</i></p> <p>ADR.OPS.B.060 (2) insert "....movement area of NON FLYING animals...."</p>

	Justification would be impossible to have a fence that protects the aerodrome from birds
response	<i>Noted</i> (a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920

comment	3505 comment by: <i>Fraport AG</i> ADR-OPS.B.060 - Access to the movement area (a) (2) Editorial a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome; Proposed Text a fence or other suitable barrier is provided to prevent the entrance to the movement area of non flying animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome; Fraport AG: would be impossible to have a fence that protects the aerodrome from birds
response	<i>Noted</i> (a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920

comment	3519 comment by: <i>Aéroport Paris Vatry - XCR/LFOK</i> NPA 2011-20 (B.I) ADR.OPS.B.060 Référence: ADR.OPS.B.060 (a) "The aerodrome operator shall ensure that:" (a) (2) "a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;" Traduction de courtoisie (a) Should be amended as follows : "The aerodrome operator shall ensure within the limits of its competences, that:" Cf. General comment n°2. a) (2) It is appropriate to transfer this provision to certification specification (CS) by bringing the following change: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of <u>non-flying</u> animals large enough to be a hazard to aircraft and to deter
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	<p>the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"</p> <p>It goes without saying that fences do not apply to flying animals. Moreover, it concerns the technical characteristics of an infrastructure which is a matter of CS and not IR.</p>
response	<p><i>Accepted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p> <p>The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>3554 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i></p> <p>NPA 2011-20 (B.I) ADR.OPS.B.060</p> <p>Référence: ADR.OPS.B.060</p> <p>(a) "The aerodrome operator shall ensure that:"</p> <p>(a) (2) "a fence or other suitable barrier is provided to prevent the entrance to the movement area of animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"</p> <p>Traduction de courtoisie</p> <p>(a) Should be amended as follows : "The aerodrome operator shall ensure within the limits of its competences, that:"</p> <p>Cf. General comment n°2.</p> <p>a) (2) It is appropriate to transfer this provision to certification specification (CS) by bringing the following change: "a fence or other suitable barrier is provided to prevent the entrance to the movement area of non-flying animals large enough to be a hazard to aircraft and to deter the inadvertent or premeditated access of an unauthorised person onto a movement area and other operational areas of the aerodrome;"</p> <p>It goes without saying that fences do not apply to flying animals. Moreover, it concerns the technical characteristics of an infrastructure which is a matter of CS and not IR.</p>
response	<p><i>Accepted</i></p> <p>(a) (2) and (a) (3) have been deleted since they are covered by CS-ADR.DSN.T.920</p> <p>The issue of competences has been addressed in a new implementing rule ADR.OPS.B.001</p>

ANNEX III - Part-OPS - ADR-OPS.B.065 – Visual aids and aerodrome electrical systems

p. 68

comment	250	comment by: <i>KLM</i>
	Clarification needed.	

	Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	<p>1194 comment by: <i>ADP : Aeroports de Paris</i></p> <p>Référence: ADR.OPS.B.065 "The aerodrome operator shall ensure that aerodrome visual aids are provided and meet the required specifications."</p> <p>Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure within the limits of its competences, that aerodrome visual aids are provided and meet the required specifications."</p> <p>Justification Cf. 3ieme Commentaire général n°2867.</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that aerodrome visual aids are provided and meet the required specifications." Cf. 3rd General comment n°2867.</p>
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	<p>1613 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #325</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.065</p> <p>Référence: ADR.OPS.B.065 "The aerodrome operator shall ensure that aerodrome visual aids are provided and meet the required specifications."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that aerodrome visual aids are provided and meet the required specifications." Cf. General comment n°2.</p>
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	<p>1866 comment by: <i>UK CAA</i></p> <p>Page No: 68</p> <p>Paragraph No: ADR.OPS.B.065</p>

	<p>Comment: Electrical systems are included in the title but not mentioned again. They should be included in the text.</p> <p>Justification: Consistency and completeness</p> <p>Proposed Text: "The aerodrome operator shall ensure that aerodrome visual aids and electrical systems are provided and meet the required specifications".</p>
response	<p><i>Accepted</i></p> <p>Electrical systems have been included in the text</p>
comment	<p>2090 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #326</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OPS.B.065</p> <p>Référence: ADR.OPS.B.065 "The aerodrome operator shall ensure that aerodrome visual aids are provided and meet the required specifications."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that aerodrome visual aids are provided and meet the required specifications." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2141 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that aerodrome visual aids are provided and meet the required specifications."</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2152 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #327</p> <p>UAF NPA 2011-20 (B.I) ADR.OPS.B.065</p> <p>Référence: ADR.OPS.B.065 "The aerodrome operator shall ensure that aerodrome visual aids are provided and meet the required specifications."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure</p>

	within the limits of its competences , that aerodrome visual aids are provided and meet the required specifications.” Cf. General comment n°2.						
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001						
comment	2303 <i>comment by: Pau Pyrénées Airport - PUF/LFBP</i> Should be amended as follows: “The aerodrome operator shall ensure within the limits of its competences, that aerodrome visual aids are provided and meet the required specifications.” Cf. General comment n°2.						
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001						
comment	2459 <i>comment by: Aéroport de Tours Val de Loire - TUF/LFOT</i> shall with the limits of its competences, that						
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001						
comment	2580 <i>comment by: IATA</i> ADR-OPS.B.065 – Visual aids and aerodrome electrical systems Clarification needed. Which specifications are referred to here and where to find these? At least a reference is needed to make clear which specifications are complied with.						
response	<i>Noted</i> Text has been revised to give more clarity						
comment	2916 <i>comment by: ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i> <table border="1"> <tr> <td>Référence: ADR.OPS.B.065</td> <td>“The aerodrome operator shall ensure that aerodrome visual aids are provided and meet the required specifications.”</td> </tr> <tr> <td>Proposition/commentaire</td> <td>Il convient d’apporter la modification suivante: “The aerodrome operator shall ensure within the limits of its competences, that aerodrome visual aids are provided and meet the required specifications.”</td> </tr> <tr> <td>Justification</td> <td>Cf. Commentaire général n°2.</td> </tr> </table>	Référence: ADR.OPS.B.065	“The aerodrome operator shall ensure that aerodrome visual aids are provided and meet the required specifications.”	Proposition/commentaire	Il convient d’apporter la modification suivante: “The aerodrome operator shall ensure within the limits of its competences , that aerodrome visual aids are provided and meet the required specifications.”	Justification	Cf. Commentaire général n°2.
Référence: ADR.OPS.B.065	“The aerodrome operator shall ensure that aerodrome visual aids are provided and meet the required specifications.”						
Proposition/commentaire	Il convient d’apporter la modification suivante: “The aerodrome operator shall ensure within the limits of its competences , that aerodrome visual aids are provided and meet the required specifications.”						
Justification	Cf. Commentaire général n°2.						

Traduction de courtoisie	Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that aerodrome visual aids are provided and meet the required specifications." Cf. General comment n°2.
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>

comment	<p>3241 comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i></p> <p>Attachment #328</p> <p>SEARD NPA 2011-20 (B.I) ADR.OPS.B.065</p> <p>Référence: ADR.OPS.B.065 "The aerodrome operator shall ensure that aerodrome visual aids are provided and meet the required specifications."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that aerodrome visual aids are provided and meet the required specifications." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>

comment	<p>3343 comment by: <i>AEA - Association of European Airlines</i></p> <p>ADR-OPS.B.065 – Visual aids and aerodrome electrical systems The aerodrome operator shall ensure that aerodrome visual aids are provided and meet the required specifications.</p> <p>Comments</p> <p>Clarification needed.</p> <p>Which specifications are referred to here and where to find these? At least a reference is needed to make clear which specifications are complied with.</p>
response	<p><i>Noted</i></p> <p>Text has been revised to give more clarity</p>

comment	<p>3520 comment by: <i>Aéroport Paris Vatry - XCR/LFOK</i></p> <p>NPA 2011-20 (B.I) ADR.OPS.B.065</p>
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	<p>Référence: ADR.OPS.B.065 "The aerodrome operator shall ensure that aerodrome visual aids are provided and meet the required specifications."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that aerodrome visual aids are provided and meet the required specifications." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>

comment	<p>3555 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i></p> <p>NPA 2011-20 (B.I) ADR.OPS.B.065</p> <p>Référence: ADR.OPS.B.065 "The aerodrome operator shall ensure that aerodrome visual aids are provided and meet the required specifications."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that aerodrome visual aids are provided and meet the required specifications." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>

ANNEX III - Part-OPS - ADR-OPS.B.070 – Aerodrome works safety
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p. 68

comment	<p>615 comment by: <i>Vienna International Airport</i></p> <p>(a)(1) change to: establish procedures to ensure that the safety of aircraft operation is not...</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>
comment	<p>1174 comment by: <i>CAA Austria - Ministry of Transport</i></p> <p>(a)(1) change to: establish procedures to ensure that the safety of aircraft operation is not...</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>
comment	<p>1431 comment by: <i>Salzburger Flughafen GmbH</i></p>

	(a)(1) change to: establish procedures to ensure that the safety of aircraft operation is not...
response	<i>Accepted</i> Text revised accordingly
comment	1525 comment by: <i>Flughafen Linz-Hörsching - LNZ/LOWL</i> (a)(1) change to: establish procedures to ensure that the safety of aircraft operation is not...
response	<i>Accepted</i> Text revised accordingly
comment	1626 comment by: <i>MST / STR - Stuttgart Airport</i> <ul style="list-style-type: none"> • "Aerodrome works" could be everything. • Please define the term "aerodrome works". • In part (2): What does the term "unacceptable risks" mean? Are there any "acceptable" risks? Please define.
response	<i>Noted</i> For bullet points 1 and 2 reference is made to the relevant AMC and GM. For bullet point 3 the comment is agreed and the text is revised accordingly.
comment	1671 comment by: <i>Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i> (a)(1) change to: establish procedures to ensure that the safety of aircraft operation is not...
response	<i>Accepted</i> Text revised accordingly
comment	1730 comment by: <i>Flughafen Graz Betriebs GmbH</i> (a)(1) change to: establish procedures to ensure that the safety of aircraft operation is not...
response	<i>Accepted</i> Text revised accordingly

comment	2013	comment by: Geneva International Airport (ROMIG)
	ADR.OPS.B.070 (a) (1) - Change the text to "establish procedures to ensure that the safety of aircraft operation is not..."	
	This is a more general sentence and will mean that safety measures are taken for protect the overall operations, not just the manoeuvring of the aircraft.	
response	<i>Accepted</i>	
	Text revised accordingly	
comment	2840	comment by: Flughafen Klagenfurt
	(a)(1) change to: establish procedures to ensure that the safety of aircraft operation is not...	
response	<i>Accepted</i>	
	Text revised accordingly	
comment	3218	comment by: Airport St. Gallen-Altenrhein - ACH/LSZR
	Change the text to "establish procedures to ensure that the safety of aircraft operation is not..."	
	doesn't limit this point to manoeuvring only	
response	<i>Accepted</i>	
	Text revised accordingly	
comment	3318	comment by: CAA SR
	Proposal: ADR-OPS.B.070 — Aerodrome works safety (a) The aerodrome operator shall: (1) establish procedures to ensure that aircraft manoeuvring safety is not affected by aerodrome works; (2) establish procedures to ensure that aerodrome works are not exposed to unacceptable risks from aerodrome operational activities, in accordance with ADR.OR.D.005 (b) (3) (4).	
	Argument: We should not focus only on moving aircraft but also on aircraft staying on apron where there are also many hazards related to works on the aerodrome.	
response	<i>Accepted</i>	
	Text revised accordingly	

ANNEX III - Part-OPS - ADR-OPS.B.075 — Safeguarding of aerodromes p. 68-69

comment	132	comment by: Flughafen Düsseldorf GmbH
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ADR-OPS.B.075 – Safeguarding of aerodromes ADD

(a) The aerodrome operator shall monitor on the aerodrome and its surroundings[g1] :

[g1]Auf Nachbargrundstücken, die nicht im Eigentum des Flughafens stehen, müssten die Behörden tätig werden. Flughafen kann hier nur im Klageweg vorgehen.

response

Noted

According to Article 8a.4 of the BR, the aerodrome operator is responsible to monitor the aerodrome surroundings and take, **within its competence**, mitigating measures as appropriate, when activities and developments may cause unacceptable safety risks to aviation

comment

232

comment by: *SWISS AERODROMES ASSOCIATION*

It is important to have the aerodrome operator's responsibility limited within its competence as said in BR, Article 8a, 4. Provisions to safeguard aerodromes are to be put in place by Member States (BR, Article 8a, 3).

Therefore, "monitoring" must have no other implication than setting in place an observation process.

The subsequent wording of the provision should be

1) replace "to take appropriate action" by "to liaise with the competent authority to have the risk associated....or other safeguarding surfaces mitigated"

2) replace "in order to be able to take action" by "in order to have action be taken"

3) replace "in order to take action" by "in order to have action be taken"

response

Partially accepted

According to article 8a. 4 of the BR it is an obligation of the aerodrome operator to monitor the aerodrome surrounding and take measures **within its competence** to mitigate risks. Provisions for the Member States have been included in the Cover Regulation

comment

251

comment by: *KLM***Clarification needed**

Which activities are referred to here?

Specify the most common ones or ones that are not obvious;

Kite flying, rocket launching, fire works etc.

If there is an AMC it should be mentioned or even better given here.

response

Accepted

Reference is made in AMC1-ADR.OPS.B.075

comment	252	comment by: KLM
	<p>Change wording:</p> <p>Expected to operate is wrong wording and should be the same as used in ICAO text: normally using the aerodrome.</p> <p>Expected can be different from flight schedules or management and cannot be defined in terms of definite figure. The aircraft type that is normally using the aerodrome is a defined figure not bound to expectations that may not materialise.</p>	
response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>	
comment	318	comment by: CAA Austria - Ministry of Transport
	<p>(a) Change the term surroundings to vicinity And the " vicinity" of the aerodrome must be determined.</p>	
response	<p><i>Partially accepted</i></p> <p>The term surrounding is used throughout the BR</p>	
comment	442	comment by: MWEBWV Ministerium für Wirtschaft, Energie, Bauen, Wohnen und Verkehr des Landes Nordrhein-Westfalen
	<p>In general there is no legal power (reason: privacy data protection) for a private company (aerodrome operator) to monitor the surrounding of an aerodrome.</p>	
response	<p><i>Noted</i></p> <p>Article 8a.4 gives the authorization to the aerodrome operator to monitor the aerodrome surroundings</p>	
comment	616	comment by: Vienna International Airport
	<p>(a) change "surroundings" to "vicinity"</p>	
response	<p><i>Partially accepted</i></p> <p>The term surrounding is used throughout the BR</p>	
comment	711	comment by: Flughafen Duesseldorf GmbH
	<p>The airport is not responsible for the undefined surrounding area and therefore cannot take any physical or legal actions against obstacles. The competent authority needs to be addressed.</p>	
response	<p><i>Noted</i></p> <p>According to article 8a. 4 of the BR it is an obligation of the aerodrome operator to monitor the aerodrome surrounding and take measures within its competence to mitigate risks</p>	

comment	<p>897 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #329</p> <p>UAF NPA 2011-20 (B.I) ADR.OPS.B.075 (a)</p> <p>Référence: ADR.OPS.B.075 (a) "The aerodrome operator shall monitor on the aerodrome and its surroundings:"</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:" Cf. General comment n°2. Cf. also the comment about ADR-OPS.A.010.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>

comment	<p>904 comment by: <i>Aéroport La Rochelle - LRH/LFBH</i></p> <p>Attachment #330</p> <p>LFBH NPA 2011-20 (B.I) ADR.OPS.B.075 (a)</p> <p>Référence: ADR.OPS.B.075 (a) "The aerodrome operator shall monitor on the aerodrome and its surroundings:"</p> <p>Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:"</p> <p>Justification Cf. Commentaire général n°2. Cf. également la remarque sur l'ADR-OPS.A.010.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>

comment	<p>946 comment by: <i>Airport Nuremberg - NUE/EDDN</i></p> <p>The airport cannot be made responsible for obstacle protection surfaces in the surrounding area of the airport, because the aerodrome operator cannot take any physical or legal actions to remove, mark or light obstacles. This should further, as practiced today, exclusively be in the responsibility of the according authority.</p>
response	<p><i>Partially accepted</i></p> <p>Article 8a.4 of the BR requires the aerodrome operator to monitor the aerodrome surroundings and take within its competence appropriate mitigating measures. This does not imply that the aerodrome operator is solely responsible for taking actions</p>

comment	<p>1139 comment by: Cologne/Bonn Airport</p> <p>delete (b); This should be subject to the competent authority</p>
response	<p><i>Partially accepted</i></p> <p>Article 8a.4 of the BR requires the aerodrome operator to monitor the aerodrome surroundings and take within its competence appropriate mitigating measures. This does not imply that the aerodrome operator is solely responsible for taking actions</p>
comment	<p>1195 comment by: Bezirksregierung Düsseldorf / Luftverkehr</p> <p>In der Regel gibt es auch aus Datenschutzgründen keine rechtlichen Grundlagen, die es einem privaten Unternehmen (Flugplatzunternehmer) gestatten, ein Gebiet zu überwachen/monitoren.</p> <p><i>In general as a rule, there is no legal possibility (reason: data privacy protection) for a private company (aerodrome operator) to monitor the surrounding of an aerodrome.</i></p>
response	<p><i>Partially accepted</i></p> <p>Article 8a.4 of the BR requires the aerodrome operator to monitor the aerodrome surroundings and take within its competence appropriate mitigating measures. This does not imply that the aerodrome operator is solely responsible for taking actions</p>
comment	<p>1196 comment by: ADP : Aeroports de Paris</p> <p>Référence: ADR.OPS.B.075 (a) "The aerodrome operator shall monitor on the aerodrome and its surroundings:"</p> <p>Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:"</p> <p>Justification Cf. 3ieme Commentaire général n°2867. Cf. également la remarque n° 1170 sur l'ADR-OPS.A.010.</p> <p>Traduction de courtoisie</p> <p>Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:" Cf. 3rd General comment n°2867.</p> <p>Cf. also the comment n° 1170 about ADR-OPS.A.010.</p>
response	<p><i>Accepted</i></p>

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment

1248 ❖

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

Cover regulation

- Draft Commission Regulation - Article 8 – Obstacles - Objects (p14)

Annexes to the cover regulation

- ANNEX I - Part-AR - ADR.AR.C.065 — Obstacles-Objects (p30)
- ANNEX I - Part-AR - ADR.AR.C.070 — confusing, misleading and hazardous lights (p30)
- ANNEX I - Part-AR - ADR.AR.C.075 — Protection of communication, navigation and surveillance systems (p30-31)
- ANNEX I - Part-AR - ADR.AR.C.080 — Other activities (p31)
- Annex III - ADR-OPS.B.075 — Safeguarding of aerodromes (68)

AMC/GM to the IR

- AMC-GM to Annex I - GM1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p38)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065 — Obstacles (a) – Outer Horizontal Surface (p39)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065(a) — Obstacles – Elevation datum (p39)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles — Objects – Non instrument runways (p39)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(a) — Obstacles — Objects – non precision approach runways (p39-40)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065(a) — Obstacles — Objects –precision approach runways (p40)
- AMC-GM to Annex I - AMC3-ADR-AR.C.065(a) — Obstacles — Objects –runways meant for take-off (p40)
- AMC-GM to Annex I - AMC4-ADR-AR.C.065(a) — Obstacles — Objects – other objects (p41)
- AMC-GM to Annex I - AMC5-ADR-AR.C.065(a) — Obstacles — Objects – obstacle protection surface for visual approach slope indicator systems (p41)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065 (b);(c) — Obstacles — Objects (p41)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(b);(c) —Obstacles — Objects – (p42-43)
- AMC-GM to Annex I - AMC1-ADR-AR.C.065(b) — Obstacles — Objects (p43)
- AMC-GM to Annex I - AMC2-ADR-AR.C.065 (b) — Obstacles — Objects – wind turbines (p51)
- AMC-GM to Annex I - AMC1-ADR-AR.C.070(a) — confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I - AMC2-ADR-AR.C.070(a) — Confusing, misleading and hazardous lights (p52)
- AMC-GM to Annex I - AMC1-ADR-AR.C.070(b) — Confusing, misleading and hazardous lights (p53)
- AMC-GM to Annex III - AMC1-ADR-OPS.B.075 — Safeguarding of

- aerodromes (p165-166)
- AMC-GM to Annex III - AMC2-ADR-OPS.B.075 — Obstacle restriction and removal (p166-169)
 - AMC-GM to Annex III - AMC3-ADR-OPS.075 — Marking and lighting of obstacles (p169-170)
 - AMC-GM to Annex III - AMC4-ADR-OPS.B.075 — Obstacles that extends above a take-off climb surface (p170)
 - AMC-GM to Annex III - AMC5-ADR-OPS.B.075 — Objects, other than obstacles, adjacent to a take-off climb Surface (p170-171)
 - AMC-GM to Annex III - AMC6-ADR-OPS.B.075 — Obstacles that extends above an approach or transitional Surface (p171)
 - AMC-GM to Annex III - AMC7-ADR-OPS.B.075 — Fixed obstacles above a horizontal surface (p171)
 - AMC-GM to Annex III - AMC8-ADR-OPS.B.075 — Marking of objects (p172)
 - AMC-GM to Annex III - AMC9-ADR-OPS.B.075 — Location of obstacle lights (p172)

2. Justification and proposed text / comment

This comment is linked with comment 1015 in book II.

(A) The safeguarding of aerodromes is at the limit between the civil aviation competency and the land use planning competency which both may be shared with local authorities with varying splits according to the States. It is then essential to provide enough flexibility so that the Member State can establish a mechanism to manage the surroundings of the aerodrome that can fit its system and legal provisions.

This can be done by referring to other authorities of the Member State instead of the competent authority, and by indicating that the control of obstacles is done "without prejudice to the system and legal provisions of the Member State". This is a critical point for DGAC.

Note: in addition to that, OLS may expand in more than one State (Basle, Geneva, Fontarabie) and the legal context may be utterly complex.

Thus the need to modify the wording of the following provisions:

- Paragraphs (a)(2) and (a)(3) of ADR.AR.C.065 — Obstacles-Objects

"(a) The competent authority or other authorities of the Member State shall:

[...]

(2) not permit new objects or extensions to existing objects, remove objects or otherwise protect the surfaces and areas established in accordance with (a)(1), as appropriate, without prejudice to the system and legal provisions of the Member State;

(3) not permit developments which may endanger safety due to obstacle-induced turbulence, without prejudice to the system and legal provisions of the Member State.

- ADR.AR.C.070 — Confusing, misleading and hazardous lights REV

"(a) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall ensure that sources of light or dazzle that may confuse air navigation, endanger safety or adversely affect the operation of an aerodrome are extinguished, screened, or modified, or are subject to any other action required in the

interest of safety.

(b) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall establish protective zones around aerodromes to protect the safety of aircraft against the hazardous effects of laser emitters.”

- **ADR.AR.C.075 – Protection of communication, navigation and surveillance systems**

“The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall:

(a) establish protection areas for each aeronautical communications, navigation and surveillance system;

(b) not permit, or shall modify or otherwise mitigate sources of non-visible radiation or the presence of moving or fixed objects that may interfere with, or adversely affect, the performance of the systems mentioned in subparagraph (a).”

- **ADR.AR.C.080 – Other activities**

“The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, shall ensure that potential hazards to safety and the use of the aerodrome associated with proposed developments, activities or changes in the land use in the vicinity of an aerodrome are identified and mitigated.”

- **Paragraphs (c)(3), (c)(4)(i) and (d) of AMC2-ADR-AR.C.065 (b) – Obstacles - Objects**

“WIND TØURBINES

[...] (c) Lighting – day use [...]

(3) Where the highest point of the blade on the vertical position exceeds 150 m above ground level, high-intensity white lights should be prescribed by the competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, if medium intensity lights are deemed insufficient.

(4) Obstacle lights should be installed on the nacelle in such a manner as to provide an unobstructed view for aircraft approaching them from any direction.

(i) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels.

(ii)[...]

(d) Lighting – night use

(1) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe medium-intensity flashing red lights instead of white lights. [...]

(2) The competent authority or other authorities of the Member State, without prejudice to its system and legal provisions, should prescribe additional intermediate lighting levels if it is deemed necessary; these lights should be low-intensity fixed red lights Type A or Type B. The wind turbine rotor should not shield lights on intermediate levels.

[...]”

- **Paragraph (b) of AMC1-ADR.AR.C.070(a) – Confusing, misleading and hazardous lights**

“LIGHTS THAT MAY ENDANGER THE SAFETY OF AIRCRAFT

[...]

(b) The competent authority should have as appropriate arrangements

with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, in order to achieve (a) above."

- **Paragraph (b) of AMC2-ADR.AR.C.070(a) – Confusing, misleading and hazardous lights**

"LIGHTS WHICH MAY CAUSE CONFUSION

[...]

(b) Arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in place, as appropriate, to achieve (a) above."

- **Paragraph (a) of AMC1-ADR.AR.C.070 (b) – Confusing, misleading and hazardous lights**

"LASER EMISSIONS WHICH MAY ENDANGER SAFETY

(a) The competent authority should ensure that the following protected zones are established and implemented around an aerodrome and that appropriate arrangements with other **competent** authorities of the Member State, without prejudice to its system and legal provisions, are in place, in order to protect the safety of aircraft against the hazardous effects of laser emitters:

[...]"

(B) The control of surroundings is dealt with through two tiers:

- the aerodrome operator's monitoring, within the limit of its responsibilities, and through its notified certification basis and
- the Member States' mechanisms established for such purpose.

Consequently, the following principles are to be pursued in the proposed implementing rules and proposed certification specifications:

1. The requirements for the authority in part AR should take into account the fact that the control of obstacles is strongly linked to the land use planning laws, thus all that can be expected from the Member State is the establishment of a mechanism to safeguard the surroundings of the aerodromes. This is done case by case for each aerodrome, so it is essential to provide enough flexibility in these rules to allow necessary arrangements to fit to each aerodrome environment and context. The logic understood by DGAC is that authorities establish surfaces relying on what is notified in the certification basis of the aerodrome, but with some adaptations for instance to take into account future developments of the aerodrome.
2. The requirements for the aerodrome operator on that subject should be in the book of certification specifications only, and should not be duplicated in the part OPS. Moreover, it is essential that these requirements take into account the fact that outside the boundaries of the aerodrome, the aerodrome operator has absolutely no legal power to control obstacles. All that can be expected from the aerodrome operator outside its boundaries is the establishment of OLS, which the aerodrome operator should propose to the competent authority in accordance with AMC1-ADR.OR.B.015(b)(1);(2);(3), and their oversight within its line of sight.

The first principle leads to review the part AR corresponding to the article

8 of the cover regulation, in particular ADR-AR.C.065 and corresponding AMCs and GMs. Comments for each provision have been done in the specific DGAC's comments.

The second principle leads to delete from the part OPS all the provisions related to the monitoring of the surroundings and related to the limitation and marking and/or lighting of obstacles.

Indeed, AMC/GM Part OPS should only reflect the Essential Requirements stated in Section B.1(b) of Annex Va, which specifies that *"the aerodrome operator shall verify that the requirements of Section A are complied with at all times or take appropriate measures to mitigate the risks associated with non-compliance. Procedures shall be established and applied to make all users aware of such measures in a timely manner"*. Thus the rules stated by Part OPS need only to impose the fact that the aerodrome operator shall have procedures in place for mitigating the risks associated with obstacles and other activities within the monitored areas that could impact safety.

DGAC proposes the following modifications of ADR-OPS.B.075 and AMC1-ADR-OPS.B.075, and to delete the all other corresponding AMCs and GMs, given the fact that all of them are already dealt with in the book of certification specifications.

Note: it is proposed to delete (a)(3) of ADR-OPS.B.075 because already covered by paragraph (b) and confusing given the fact that the aerodrome has no legal power on the areas outside its boundaries.

ADR-OPS.B.075 – Safeguarding of aerodromes

"(a) The aerodrome operator shall have procedures to monitor on the aerodrome and surroundings within the areas defined in coordination with the competent authority:

(1) obstacle limitation surface and protection surfaces of navigation aids as established in accordance with the Certification Basis of the aerodrome in order to take appropriate action to mitigate the risk associated with regard to their penetration of by obstacle limitation surfaces or other safeguarding surfaces;

(2) marking and lighting of obstacles in accordance with the Certification Basis of the aerodrome in order to be able to take action as appropriate;

(3) hazards related to human activities and land use in order to take action as appropriate.

(b) The aerodrome operator shall have procedures in place, without prejudice to the system and legal provisions of the member State, for mitigating the risks associated with obstacles, developments and other activities within the monitored areas that could impact safe operations of aircraft operating at, to or from the aerodrome."

AMC1-ADR-OPS.B.075 – Safeguarding of aerodromes (p165-166)

"(a) The aerodrome operator should have procedures to monitor the changes in the obstacle environment, marking and lighting and in human activities or land use on the aerodrome and its surroundings areas defined in coordination with the competent authority. The scope, limits, tasks and responsibilities for the monitoring should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.

(b) The limits of the aerodrome surroundings that should be monitored by the aerodrome operator are defined in coordination with the competent authority and should include the areas that can be visually monitored during the inspections of the manoeuvring area.

(c) The aerodrome operator should have procedures to mitigate the risks associated with changes on the aerodrome and its surroundings identified

with the monitoring procedures. The scope, limits, tasks and responsibilities for the mitigation of risks associated to obstacles or hazards outside the perimeter fence of the aerodrome should be defined in coordination with the relevant ANS providers and with the competent authority and other relevant authorities.

~~(d) The risks caused by human activities and land use which should be assessed and mitigated should include:~~

~~(1) obstacles and the possibility of induced turbulence;~~

~~(2) the use of hazardous, confusing and misleading lights;~~

~~(3) the dazzling caused by large and highly reflective surfaces;~~

~~(4) sources of non-visible radiation or the presence of moving or fixed objects which may interfere with, or adversely affect, the performance of aeronautical communications, navigation and surveillance systems;~~

~~(5) non-aeronautical ground light near an aerodrome which may endanger the safety of aircraft and which should be extinguished, screened or otherwise modified so as to eliminate the source of danger."~~

~~AMC2 ADR OPS.B.075 — Obstacle restriction and removal (p166-169)~~

Note: these provisions are already dealt with in:

- CS-ADR-DSN.B.165 — Objects on runway strips (p18),
- CS-ADR-DSN.B.170 — Non-precision approach and non-instrument runway strips (p19),
- CS-ADR-DSN.J.475 — Non-precision approach runways (p45),
- CS-ADR-DSN.J.480 — Precision approach runways (p46),
- CS-ADR-DSN.J.485 — Runways meant for take-off (p47),
- CS-ADR-DSN.T.915 - Siting of equipment and installations on operational areas (p167)

~~AMC3 ADR OPS.B.075 — Marking and lighting of obstacles (p169-170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC4 ADR OPS.B.075 — Obstacles that extends above a take off climb surface (p170)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC5 ADR OPS.B.075 — Objects, other than obstacles, adjacent to a take off climb Surface (p170-171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC6 ADR OPS.B.075 — Obstacles that extends above an approach or transitional Surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146).

~~AMC7 ADR OPS.B.075 — Fixed obstacles above a horizontal surface (p171)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.840 — Objects to be marked and/or lighted (p146-147).

~~AMC8 ADR OPS.B.075 — Marking of objects (p172)~~

Note: these provisions are already dealt with in CS-ADR-DSN.Q.845 —

	<p>Marking of objects (p147).</p> <p>AMC9 ADR OPS.B.075 — Location of obstacle lights (p172) <i>Note: these provisions are already dealt with in CS-ADR-DSN.Q.850 — Lighting of objects (p150).</i></p>
response	<p><i>Noted</i></p> <p>Concerning the comments on ADR-OPS.B.075, the Agency has the following view: The proposal to replace "shall monitor" with "shall have procedures" is not accepted since the existence of the procedures does not ensure their implementation For (a)(1)and (a) (2) the proposals to include the phrase "as established in accordance with the Certification basis of the aerodrome" are agreed but the deletion of the appropriate actions are not agreed since this is foreseen by article 8a.4 of the BR. The deletion of (a) (3) is not agreed because this is also included in article 8a.4 of the BR The insertion of the phrase "without prejudice to the provisions and the legal system of the Member State" is not agreed. Article 8a.4 requires the aerodrome operator to take appropriate mitigating measures within its competence. Issues concerning the competent authority and the Member State on this issue are dealt with in the Cover Regulation and the AR part.</p>
comment	<p>1432 comment by: <i>Salzburger Flughafen GmbH</i></p> <p>(a) change "surroundings" to "vicinity"</p>
response	<p><i>Partially accepted</i></p> <p>The term surrounding is used throughout the BR</p>
comment	<p>1526 comment by: <i>Flughafen Linz-Hörsching - LNZ/LOWL</i></p> <p>(a) change "surroundings" to "vicinity"</p>
response	<p><i>Partially accepted</i></p> <p>The term surrounding is used throughout the BR</p>
comment	<p>1614 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #331</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.075 (a)</p> <p>Référence: ADR.OPS.B.075 (a) "The aerodrome operator shall monitor on the aerodrome and its surroundings:"</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, <u>within the limits of its competences</u>:"</p> <p>Cf. General comment n°2. Cf. also the comment about ADR-OPS.A.010.</p>

response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	1656 <i>comment by: MST / STR - Stuttgart Airport</i> Part (a): <ul style="list-style-type: none"> • What is "surrounding" of an aerodrome? Please define! The scope is not transparent enough and - as the case may be - that could extremely expand the obligations of the aerodrome operator. • (3): what are "<i>hazards related to human activities and land use</i>"?? Again this wording is not transparent enough! Please define!
response	<i>Partially accepted</i> The term surrounding is used throughout the BR
comment	1673 <i>comment by: Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i> (a) change "surroundings" to "vicinity"
response	<i>Partially accepted</i> The term surrounding is used throughout the BR
comment	1731 <i>comment by: Flughafen Graz Betriebs GmbH</i> (a) change "surroundings" to "vicinity"
response	<i>Partially accepted</i> The term surrounding is used throughout the BR
comment	1896 <i>comment by: Innsbruck Airport Authority - Tiroler Flughafenbetriebsges. mbH</i> delete (b) The airport authority is not responsible for the (undefined) surrounding area and therefore cannot take any physical or legal actions against obstacles. Competent authority needs to be adressed.
response	<i>Partially accepted</i> Article 8a.4 of the BR requires the aerodrome operator to monitor the aerodrome surroundings and take within its competence appropriate mitigating measures. This does not imply that the aerodrome operator is solely responsible for taking actions

comment	2032	comment by: Geneva International Airport (ROMIG)
	ADR-OPS.B.075 (a) - Change the term "surroundings" to "vicinity".	
response	<i>Partially accepted</i>	
	The term surrounding is used throughout the BR	
comment	2092	comment by: ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD
	Attachment #332	
	ADBM - NPA 2011-20 (B.I) ADR.OPS.B.075 (a)	
	Référence:	ADR.OPS.B.075 (a)
	"The aerodrome operator shall monitor on the aerodrome and its surroundings:"	
	Traduction	de courtoisie
	Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:"	
	Cf.	General comment n°2.
	Cf. also the comment about ADR-OPS.A.010.	
response	<i>Accepted</i>	
	The issue has been addressed in a new implementing rule ADR.OPS.B.001	
comment	2142	comment by: Aéroport de Marseille - MRS/LFML
	Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:"	
response	<i>Accepted</i>	
	The issue has been addressed in a new implementing rule ADR.OPS.B.001	
comment	2151	comment by: Aéroport Nantes Atlantique - NTE/LFRS
	Attachment #333	
	UAF	NPA 2011-20 (B.I) ADR.OPS.B.075 (a)
	Référence:	ADR.OPS.B.075 (a)
	"The aerodrome operator shall monitor on the aerodrome and its surroundings:"	
	Traduction	de courtoisie
	Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:"	
	Cf.	General comment n°2.
	Cf. also the comment about ADR-OPS.A.010.	
response	<i>Accepted</i>	
	The issue has been addressed in a new implementing rule ADR.OPS.B.001	

comment	2301	comment by: Pau Pyrénées Airport - PUF/LFBP
	Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:"	
	Cf. General comment n°2. Cf. also the comment about ADR-OPS.A.010.	
response	<i>Accepted</i>	
	The issue has been addressed in a new implementing rule ADR.OPS.B.001	
comment	2460	comment by: Aéroport de Tours Val de Loire - TUF/LFOT
	the aerodrome operaor shall monitor on the aerodrome and its surrounding within the limits of its competences	
response	<i>Accepted</i>	
	The issue has been addressed in a new implementing rule ADR.OPS.B.001	
comment	2496	comment by: Aéroports De Lyon
	FORT Impact juridique Problème de répartition des compétences. Les gestionnaires n'ont aucun droit de mener des études sur des parcelles privées et à l'extérieur de l'emprise de l'aérodrome "in the surroundings": Pas de limite définie clairement	
	<u>Proposition</u> : L'EASA peut-elle définir clairement les limites à contrôler?	
response	<i>Partially accepted</i>	
	Article 8a.4 of the BR requires the aerodrome operator to monitor the aerodrome surroundings and take within its competence appropriate mitigating measures. This does not imply that the aerodrome operator is solely responsible for taking actions	
comment	2511	comment by: Munich Airport International
	(b) delete	
	Justification: The airport is not responsible for the (undefined) surrounding area and therefore cannot take any physical or legal actions against obstacles. Competent authority needs to be adressed.	
response	<i>Partially accepted</i>	
	Article 8a.4 of the BR requires the aerodrome operator to monitor the aerodrome surroundings and take within its competence appropriate mitigating measures. This does not imply that the aerodrome operator is solely responsible for taking actions	
comment	2566	comment by: AENA - Aeropuertos Españoles y Navegación Aérea

The control of surroundings is dealt with through two tiers:

- the aerodrome operator's monitoring, within the limit of its responsibilities, and through its notified certification basis and
- the Member States' mechanisms established for such purpose.

Consequently, the following principles are to be pursued in the proposed implementing rules and proposed certification specifications:

1. The requirements for the authority in part AR should take into account the fact that the control of obstacles is strongly linked to the land use planning laws, thus all that can be expected from the Member State is the establishment of a mechanism to safeguard the surroundings of the aerodromes. This is done case by case for each aerodrome, so it is essential to provide enough flexibility in these rules to allow necessary arrangements to fit to each aerodrome environment and context. The logic understood is that authorities establish surfaces relying on what is notified in the certification basis of the aerodrome, but with some adaptations for instance to take into account future developments of the aerodrome.

2. The requirements for the aerodrome operator on that subject should be in the book of certification specifications only, and should not be duplicated in the part OPS. Moreover, it is essential that these requirements take into account the fact that outside the boundaries of the aerodrome, the aerodrome operator has absolutely no legal power to control obstacles. All that can be expected from the aerodrome operator outside its boundaries is the establishment of OLS, which the aerodrome operator should propose to the competent authority in accordance with AMC1-ADR.OR.B.015(b)(1);(2);(3), and their oversight within its line of sight.

The first principle leads to review the part AR corresponding to the article 8 of the cover regulation, in particular ADR-AR.C.065 and corresponding AMCs and GMs. Comments for each provision have been done in the specific comments.

The second principle leads to delete from the part OPS all the provisions related to the monitoring of the surroundings and related to the limitation and marking and/or lighting of obstacles.

Indeed, AMC/GM Part OPS should only reflect the Essential Requirements stated in Section B.1(b) of Annex Va, which specifies that "*the aerodrome operator shall verify that the requirements of Section A are complied with at all times or take appropriate measures to mitigate the risks associated with non-compliance. Procedures shall be established and applied to make all users aware of such measures in a timely manner*". Thus the rules stated by Part OPS need only to impose the fact that the aerodrome operator shall have procedures in place for mitigating the risks associated with obstacles and other activities within the monitored areas that could impact safety.

It is proposed the following modifications of ADR-OPS.B.075 and AMC1-ADR-OPS.B.075, and to delete the all other corresponding AMCs and GMs, given the fact that all of them are already dealt with in the book of certification specifications.

Note: it is proposed to delete (a)(3) of ADR-OPS.B.075 because already

covered by paragraph (b) and confusing given the fact that the aerodrome has no legal power on the areas outside its boundaries.

ADR-OPS.B.075 – Safeguarding of aerodromes

"(a) The aerodrome operator shall have procedures to monitor on the aerodrome and surroundings within the areas defined in coordination with the competent authority:

(1) obstacle limitation surface and protection surfaces of navigation aids as established in accordance with the Certification Basis of the aerodrome in order to take appropriate action to mitigate the risk associated with regard to their penetration of by obstacle limitation surfaces or other safeguarding surfaces;

(2) marking and lighting of obstacles in accordance with the Certification Basis of the aerodrome in order to be able to take action as appropriate;

(3) hazards related to human activities and land use in order to take action as appropriate.

(b) The aerodrome operator shall have procedures in place, without prejudice to the system and legal provisions of the member State, for mitigating the risks associated with obstacles, developments and other activities within the monitored areas that could impact safe operations of aircraft operating at, to or from the aerodrome."

response *Noted*

Concerning the comments on ADR-OPS.B.075, the Agency has the following view:

The proposal to replace "shall monitor" with "shall have procedures" is **not agreed** since the existence of the procedures does not ensure their implementation

For (a)(1)and (a) (2) the proposals to include the phrase "as established in accordance with the Certification basis of the aerodrome" are **agreed** but the deletion of the appropriate actions are **not agreed** since this is foreseen by article 8a.4 of the BR.

The deletion of (a) (3) is **not agreed** because this is also included in article 8a.4 of the BR

The insertion of the phrase "without prejudice to the provisions and the legal system of the Member State" is **not agreed**. Article 8a.4 requires the aerodrome operator to take appropriate mitigating measures **within its competence**.

Issues concerning the competent authority and the Member State on this issue are dealt with in the Cover Regulation and the AR part.

comment 2581

comment by: IATA

ADR-OPS.B.075 – Safeguarding of aerodromes

(3) hazards related to human activities and land use in order to take action as appropriate.

Clarification needed

Which activities are referred to here?

Specify the most common ones or ones that are not obvious;

Kite flying, rocket launching, fire works etc.

If there is an AMC it should be mentioned or even better given here.

response

Accepted

Reference is made in AMC1-ADR.OPS.B.075

comment

2582

comment by: IATA

ADR-OPS.B.075 – Safeguarding of aerodromes

(a) The aerodrome operator should ensure that:

(1) the level of protection normally available at an aerodrome is determined and

expressed in terms of the category of the rescue and fire-fighting services (RFF

category) as described in (2), (3) and (4)_ below and in accordance with the types

and amounts of extinguishing agents normally available at the aerodrome;

(2) the RFF category is determined according to the Table 1, based on the longest

aeroplanes **expected to operate** at the aerodrome and their fuselage width. If, after

selecting the category appropriate to the longest aeroplane's overall length, that

aeroplane's fuselage width is greater than the maximum width in Table 1, column 3,

for that category, then the category for that aeroplane should actually be one

category higher;

Change wording:

Expected to operate is wrong wording and should be the same as used in ICAO text: normally using the aerodrome.

Expected can be different from flight schedules or management and cannot be defined in terms of definite figure. The aircraft type that is normally using the aerodrome is a defined figure not bound to expectations that may not materialise

response

Accepted

Text revised accordingly

comment

2643

comment by: Infratil Airports Europe Ltd

Page No: 68**Paragraph No:** ADR.OPS.B.075**Comment** Better wording, already used by ICAO. Replace "surrounding" with "vicinity" as is used in articles 9 & 10 and in ADR.AR.C.060

response

Partially accepted

The term surrounding is used throughout the BR

comment	2841	comment by: <i>Flughafen Klagenfurt</i>							
	(a) change "surroundings" to "vicinity"								
response	<i>Partially accepted</i>								
	The term surrounding is used throughout the BR								
comment	2917	comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>							
	<table border="1"> <tr> <td>Référence: ADR.OPS.B.075 (a)</td> <td>"The aerodrome operator shall monitor on the aerodrome and its surroundings:"</td> </tr> <tr> <td>Proposition/commentaire</td> <td>Il convient d'apporter la modification suivante: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:"</td> </tr> <tr> <td>Justification</td> <td>Cf. Commentaire général n°2. Cf. également la remarque sur l'ADR-OPS.A.010.</td> </tr> <tr> <td>Traduction de courtoisie</td> <td>Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:" Cf. General comment n°2. Cf. also the comment about ADR-OPS.A.010.</td> </tr> </table>	Référence: ADR.OPS.B.075 (a)	"The aerodrome operator shall monitor on the aerodrome and its surroundings:"	Proposition/commentaire	Il convient d'apporter la modification suivante: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:"	Justification	Cf. Commentaire général n°2. Cf. également la remarque sur l'ADR-OPS.A.010.	Traduction de courtoisie	Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:" Cf. General comment n°2. Cf. also the comment about ADR-OPS.A.010.
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response	<i>Accepted</i>								
	The issue has been addressed in a new implementing rule ADR.OPS.B.001								
comment	3242	comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i>							
	Attachment #334								
	SEARD NPA 2011-20 (B.I) ADR.OPS.B.075 (a)								
	Référence:	ADR.OPS.B.075 (a)							
	"The aerodrome operator shall monitor on the aerodrome and its surroundings:"								
	Traduction de courtoisie	Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:"							
	Cf. General comment n°2.	Cf. also the comment about ADR-OPS.A.010.							
response	<i>Accepted</i>								
	Text revised accordingly								

comment	<p>3344 comment by: AEA - Association of European Airlines</p> <p>ADR-OPS.B.075 – Safeguarding of aerodromes (3) hazards related to human activities and land use in order to take action as appropriate.</p> <p>Comments Clarification needed</p> <p>Which activities are referred to here? Specify the most common ones or ones that are not obvious; Kite flying, rocket launching, fire works etc. If there is an AMC it should be mentioned or even better given here.</p>
response	<p><i>Noted</i></p> <p>Reference is made in AMC1-ADR.OPS.B.075</p>

comment	<p>3345 comment by: AEA - Association of European Airlines</p> <p>ADR-OPS.B.075 – Safeguarding of aerodromes (a) The aerodrome operator should ensure that: (1) the level of protection normally available at an aerodrome is determined and expressed in terms of the category of the rescue and fire-fighting services (RFF category) as described in (2), (3) and (4)_ below and in accordance with the types and amounts of extinguishing agents normally available at the aerodrome; (2) the RFF category is determined according to the Table 1, based on the longest aeroplanes expected to operate at the aerodrome and their fuselage width. If, after selecting the category appropriate to the longest aeroplane's overall length, that aeroplane's fuselage width is greater than the maximum width in Table 1, column 3, for that category, then the category for that aeroplane should actually be one category higher;</p> <p>Comments Change wording:</p> <p>Expected to operate is wrong wording and should be the same as used in ICAO text: normally using the aerodrome.</p> <p>Expected can be different from flight schedules or management and cannot be defined in terms of definite figure. The aircraft type that is normally using the aerodrome is a defined figure not bound to expectations that may not materialise.</p>
response	<p><i>Accepted</i></p>

Text revised accordingly

comment 3410 comment by: ADV -German Airports Association

ADR.OPS.B.075 (b)
delete

Justification

The airport is not responsible for the (undefined) surrounding area and therefore cannot take any physical or legal actions against obstacles. Competent authority needs to be adressed.

response *Partially accepted*

Article 8a.4 of the BR requires the aerodrome operator to monitor the aerodrome surroundings and take **within its competence** appropriate mitigating measures. This does not imply that the aerodrome operator is solely responsible for taking actions

comment 3506 comment by: Fraport AG

ADR-OPS.B.075 - Safeguarding of aerodromes (a)

Editorial/Question

The aerodrome operator shall monitor on the aerodrome and its **surroundings**:

Proposed Text

The aerodrome operator shall monitor on the aerodrome and its **infinity**:

Fraport AG:
To be consistent with other paragraphs
What is expected as convenient monitoring cycle?

response *Noted*

The first part of the comment is not very clear although we assume that the correct word is "vicinity" instead of "infinity". In that case the comment is not accepted since the word "surrounding" is used throughout the BR

comment 3521 comment by: Aeroport Paris Vatry - XCR/LFOK

NPA 2011-20 (B.I) ADR.OPS.B.075 (a)

Référence: ADR.OPS.B.075 (a)
"The aerodrome operator shall monitor on the aerodrome and its surroundings:"

Traduction de courtoisie
Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:"
Cf. General comment n°2.
Cf. also the comment about ADR-OPS.A.010.

response	<i>Accepted</i> Text revised accordingly
comment	<p>3556 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i></p> <p>NPA 2011-20 (B.I) ADR.OPS.B.075 (a)</p> <p>Référence: ADR.OPS.B.075 (a) "The aerodrome operator shall monitor on the aerodrome and its surroundings:"</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall monitor on the aerodrome and its surroundings, within the limits of its competences:" Cf. General comment n°2. Cf. also the comment about ADR-OPS.A.010.</p>
response	<i>Accepted</i> Text revised accordingly

ANNEX III - Part-OPS - ADR-OPS.B.080 — Marking and lighting of vehicles and other mobile objects

p. 69

comment	<p>55 comment by: <i>Belfast International Airport - BFS/EGAA</i></p> <p>Strongly disagree with inference that vehicle do not require lights during day lights hours and possible exempting of apron vehicles.</p>
response	<i>Accepted</i> Text revised accordingly
comment	<p>677 comment by: <i>Exeter International Airport</i></p> <p>ADR-Ops.B.080 : Delete the exemption for aircraft servicing equipment and vehicles used only on aprons, especially if aerodromes operate in low visibility conditions.</p>
response	<i>Accepted</i> Text revised accordingly
comment	<p>898 comment by: <i>Union des Aéroports français - UAF</i></p> <p>Attachment #335</p> <p>UAF NPA 2011-20 (B.I) ADR.OPS.B.080</p> <p>Référence: ADR.OPS.B.080 "The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in</p>

conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted."

Traduction de courtoisie
Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted."
Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 1197

comment by: ADP : Aeroports de Paris

Référence: ADR.OPS.B.080

"The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted."

Proposition/commentaire

Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure within the limits of its competences, that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted."

Justification Cf. 3ieme Commentaire général n°2867.

Traduction de courtoisie

Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted."

Cf. 3rd General comment n°2867.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment 1220

comment by: DGAC Direction Générale de l'aviation civile

1. Affected paragraphs

- ANNEX III — Part-OPS —ADR-OPS.B.080 — Marking and lighting of vehicles and other mobile objects (p69)
- AMC/GM to ANNEX III — Part-OPS —AMC-ADR-OPS.B.080 —

Marking and lighting of vehicles and other mobile objects (p173)

2. Justification and proposed text / comment

This comment is linked with comment 956 in book II.

In France, it is a State's responsibility to perform oversight of vehicles on the manoeuvring area. The current wording specifically assigns this responsibility to the aerodrome operator which is in contradiction with the French system and legal provisions. It is essential to provide flexibility for this item. Thus, DGAC proposes to indicate that this is done *"without prejudice to the system and legal provisions of the relevant Member State"*.

Moreover, green colours are not used in France (and many other countries) for emergency vehicles. It can be noted that the recommendation 6.2.6 in ICAO Annex 14 volume 1 states: *"When mobile objects are marked by colour, a single conspicuous colour, preferably **red or yellowish green** for emergency vehicles and yellow for service vehicles, should be used."*

It is thus proposed to replace the colour by *red or yellowish green* in the corresponding AMC.

ADR-OPS.B.080 – Marking and lighting of vehicles and other mobile objects

"The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted, without prejudice to the system and legal provisions of the relevant Member State. Aircraft servicing equipment and vehicles used only on aprons may be exempted."

AMC-ADR-OPS.B.080 – Marking and lighting of vehicles and other mobile objects

"(a) Without prejudice to the system and legal provisions of the relevant Member State, tThe aerodrome operator should ensure that all vehicles operating on the manoeuvring area are marked by colours or display flags;

(b) When mobile objects are marked by colour, a single conspicuous colour, preferably red or yellowish green for emergency vehicles and yellow for service vehicles, should be used;

..."

response

Noted

The comment on the IR is noted, however it is the responsibility of the aerodrome operator to ensure that vehicles and mobile objects are marked and lighted

comment

1290

comment by: *Blackpool Airport - BLK/EGNH*

ADR.OPS.B.085 : Delete. This is not a role for the aerodrome operator, this is for the airlines, handlers and freight operators.

response

Not accepted

The role of the aerodrome operator is to ensure that vehicles and mobile objects are marked and lighted. The responsibilities of the different entities operating at the aerodrome is to implement these requirements

comment	<p>1615 comment by: <i>Euroairport Bâle-Mulhouse</i></p> <p>Attachment #336</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.080</p> <p>Référence: ADR.OPS.B.080 “The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted.”</p> <p>Traduction de courtoisie Should be amended as follows: “The aerodrome operator shall ensure within the limits of its competences, that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted.” Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>1702 comment by: <i>Swedish Transport Agency</i></p> <p>Replace the text in paragraph ADR-OPS.B.080 – Marking and lighting of vehicles and other mobile objects with: The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircrafts, on the movement area of the aerodrome are marked and lighted.</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>
comment	<p>1867 comment by: <i>UK CAA</i></p> <p>Page No: 69</p> <p>Paragraph No: ADR-OPS.B.080</p> <p>Comment: This suggests that vehicles need not illuminate obstacle lights in daylight, even when operating on a runway. The text should be modified to emphasise that obstacle lights on vehicles should be illuminated at all times when operating on the movement area.</p> <p>Justification: To improve safety through the increased visibility of vehicles.</p> <p>Proposed Text: “The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted”.</p>

response	<p><i>Accepted</i></p> <p>Text revised accordingly although aircraft servicing equipment is not exempted as well</p>
comment	<p>2094 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #337</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OPS.B.080</p> <p>Référence: ADR.OPS.B.080 "The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure <u>within the limits of its competences</u>, that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted." Cf. General comment n°2.</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2143 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>Should be amended as follows: "The aerodrome operator shall ensure <u>within the limits of its competences</u>, that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted."</p>
response	<p><i>Accepted</i></p> <p>The issue has been addressed in a new implementing rule ADR.OPS.B.001</p>
comment	<p>2150 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #338</p> <p>UAF NPA 2011-20 (B.I) ADR.OPS.B.080</p> <p>Référence: ADR.OPS.B.080 "The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted."</p>

	Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted." Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2291 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i> Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted." Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2462 comment by: <i>Aéroport de Tours Val de Loire - TUF/LFOT</i> the aerodrome operator shall ensure with the limits of its competences
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	2797 comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i> Replace the text — Marking and lighting of vehicles and other mobile objects with: The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircrafts, on the movement area of the aerodrome are marked and lighted.
response	<i>Accepted</i> Text revised accordingly
comment	2919 comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i> Référence: ADR.OPS.B.080 "The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the

	vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted."
Proposition/commentaire	Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure within the limits of its competences , that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted."
Justification	Cf. Commentaire général n°2.
Traduction de courtoisie	Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences , that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted." Cf. General comment n°2.

response *Accepted*

The issue has been addressed in a new implementing rule ADR.OPS.B.001

comment

3244 comment by: *SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard*

Attachment [#339](#)

SEARD NPA 2011-20 (B.I) ADR.OPS.B.080

Référence: ADR.OPS.B.080

"The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted."

Traduction de courtoisie
Should be amended as follows: "The aerodrome operator shall ensure **within the limits of its competences**, that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and

	vehicles used only on aprons may be exempted.” Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	3522 comment by: <i>Aéroport Paris Vatry - XCR/LFOK</i> NPA 2011-20 (B.I) ADR.OPS.B.080 Référence: ADR.OPS.B.080 “The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted.” Traduction de courtoisie Should be amended as follows: “The aerodrome operator shall ensure within the limits of its competences, that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted.” Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001
comment	3557 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i> NPA 2011-20 (B.I) ADR.OPS.B.080 Référence: ADR.OPS.B.080 “The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted.” Traduction de courtoisie Should be amended as follows: “The aerodrome operator shall ensure within the limits of its competences, that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and if the vehicles and aerodrome are used at night or in conditions of low visibility, lighted. Aircraft servicing equipment and vehicles used only on aprons may be exempted.” Cf. General comment n°2.
response	<i>Accepted</i> The issue has been addressed in a new implementing rule ADR.OPS.B.001

ANNEX III - Part-OPS - ADR-OPS.B.085 – Handling of hazardous materials

p. 69

comment	4	comment by: <i>Croatian Civil Aviation Agency</i>
	ADR-OPS.B.085 – Handling of hazardous materials dangerous goods^{ADD}	
	The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials dangerous goods that is or is intended to be transported by air.	
response	<i>Noted</i>	
	ADR-OPS.B.085 has been deleted	
comment	56	comment by: <i>International Air Transport Association</i>
	The term "hazardous materials" is only used in the United States. The term used in international regulations as shown in the definitions of this document is "dangerous goods". All references to "hazardous materials" should therefore be replaced by "dangerous goods".	
response	<i>Noted</i>	
	ADR-OPS.B.085 has been deleted	
comment	85	comment by: <i>CAA Norway</i>
	ADR.OPS.B.085 on page 69 needs rewording. This could also concern other materials than those intended to be transported by air. I.e. materials used in relation to construction work at the aerodrome etc.	
response	<i>Noted</i>	
	ADR-OPS.B.085 has been deleted	
comment	314	comment by: <i>BAA Airside operations</i>
	Delete This is not a role for the aerodrome operator, this is for the airlines, handlers and freight operators.	
response	<i>Accepted</i>	
	ADR-OPS.B.085 has been deleted	
comment	425	comment by: <i>Edinburgh Airport</i>
	ADR.OPS.B.085 - Delete Justification - This is not a role for the aerodrome operator, this is for the airlines, handling agents and freight operators.	
response	<i>Accepted</i>	

ADR-OPS.B.085 has been deleted

comment	534	comment by: <i>Icelandic Civil Aviation Administration</i>
	ADR.OPS.B.085 on page 69 needs rewording. This could also concern other materials than those intended to be transported by air. I.e. materials used in relation to construction work at the aerodrome etc.	
response	<i>Noted</i>	
	ADR-OPS.B.085 has been deleted	

comment	678	comment by: <i>Exeter International Airport</i>
	ADR.OPS.B.085 : Delete. This is not a role for the aerodrome operator, this is for the airlines, handlers and freight operators.	
response	<i>Accepted</i>	
	ADR-OPS.B.085 has been deleted	

comment	691	comment by: <i>Belfast International Airport - BFS/EGAA</i>
	Disagree This is not a role for the aerodrome operator, this is for the airlines, handlers and freight operators.	
response	<i>Accepted</i>	
	ADR-OPS.B.085 has been deleted	

comment	899	comment by: <i>Union des Aéroports français - UAF</i>
	Attachment #340	
	UAF	NPA
	2011-20	(B.I)
	ADR.OPS.B.085	
	Référence:	ADR.OPS.B.085
	"The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air."	
	Traduction de courtoisie	
	Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air."	
	Cf. General comment n°2.	
response	<i>Noted</i>	
	ADR-OPS.B.085 has been deleted	

comment	915	comment by: <i>Aéroport La Rochelle - LRH/LFBH</i>
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	Attachment #341
	LFBH NPA 2011-20 (B.I) ADR.OPS.B.085
	Référence: ADR.OPS.B.085 "The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air."
	Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure within the limits of its competences , that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air."
response	<i>Noted</i> ADR-OPS.B.085 has been deleted
comment	1021 comment by: <i>Avinor</i> ADR.OPS.B.085. Delete. This is not a role for the aerodrome operator, this is for the airlines, handlers and freight operators.
response	<i>Accepted</i> ADR-OPS.B.085 has been deleted
comment	1054 comment by: <i>Dublin Airport Authority</i> The Dublin Airport Authority believes that this is not a role for the aerodrome operator. This responsibility lies directly with the airlines, handlers and freight operators and the competent authorities for licensing such operations within a Member State.
response	<i>Accepted</i> ADR-OPS.B.085 has been deleted
comment	1153 comment by: <i>SWISS AERODROMES ASSOCIATION</i> Handling of hazardous material can only be under the responsibility of the aerodrome operator within the scope of its competency. Handling material intended to be transported by air is a matter of responsibility of many other actors too.
response	<i>Accepted</i> ADR-OPS.B.085 has been deleted
comment	1198 comment by: <i>ADP : Aeroports de Paris</i> Référence: ADR.OPS.B.085 "The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any

hazardous materials that is or is intended to be transported by air.”

Proposition/commentaire

Il convient d’apporter la modification suivante: “The aerodrome operator shall ensure within the limits of its competences, that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air.”

Justification Cf. 3ieme Commentaire général n°2867.

Traduction de courtoisie

Should be amended as follows: “The aerodrome operator shall ensure within the limits of its competences, that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air.”

Cf. 3rd General comment n°2867.

response *Noted*

ADR-OPS.B.085 has been deleted

comment

1222

comment by: *DGAC Direction Générale de l’aviation civile*

1. Affected paragraphs

- ANNEX III — Part-OPS —ADR-OPS.B.085 — Handling of hazardous materials (p69)
- AMC/GM to ANNEX III — Part-OPS —AMC-ADR-OPS.B.085 — Handling of hazardous materials (p173)
- AMC/GM to ANNEX III — Part-OPS —GM-ADR-OPS.B.085 — Handling of hazardous materials (p173-174)

2. Justification and proposed text / comment

This comment is linked with comment 959 in book II.

In France, it is a State’s responsibility to ensure that such procedures are established and complied with. The current wording specifically assigns this responsibility to the aerodrome operator which is in contradiction with the French system and legal provisions. It is essential to provide flexibility for this item. Thus, DGAC proposes to indicate that this is done “*without prejudice to the system and legal provisions of the relevant Member State*”.

Moreover, the wording used in the AMC and GM is not suitable: see below the modifications: “*should*” (instead of “*shall*”) for the AMC and “*may*” (instead of “*should*”) for the GM.

Finally, “airport” is no more relevant for such regulation, the word “aerodrome” is to be used instead.

ADR-OPS.B.085 — Handling of hazardous materials

“*The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air, without prejudice to the system and legal provisions of the relevant Member State.*”

AMC-OPS.B.085 – Handling of hazardous materials

"(a) The aerodrome operator ~~shall~~ **should** ensure that all agents involved in the handling and storing of any hazardous materials comply with the established procedures, without prejudice to the system and legal provisions of the relevant Member State;

(b) The procedures ~~shall~~ **should** include at least the following:

(1) Designated personnel to receive and handle hazardous substances and materials;

(2) Assurance from the shipper that the cargo can be handled safely, including any special handling procedures required for safety;

(3) Special areas for storage of hazardous materials while on the aerodrome ~~airport~~."

GM- OPS.B.085 – Handling of hazardous materials

"The procedure ~~should~~ **may** ensure the safe handling of hazardous materials or dangerous goods on the aerodrome, including:

[...]

(b) The aerodrome operator ~~should~~ **may** include the following information in the procedure for handling hazardous materials:

[...]"

response *Noted*

ADR-OPS.B.085 has been deleted

comment 1229

comment by: Bristol Airport - BRS/EGGD

ADR.OPS.B.085	Delete	This is not a role for the aerodrome operator, this is for the airlines, handlers and freight operators.
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response *Accepted*

ADR-OPS.B.085 has been deleted

comment 1379

comment by: Danish Transport Authority

The aerodrome operator is not the responsible part of the safe handling of dangerous goods and hazardous material. The operator shall not ensure that procedures are established or maintained. The responsibility is placed on the shipper and airline operator. Regarding fuel it is the owner of the fuel storage and the ground handler providing fuel that are responsible parties. The aerodrome operator provides information about the procedures according to ICAO Doc 9774. In Denmark the local fire fighting authority provides the supervision of safe handling/storage of dangerous goods on the aerodromes. Any measures will be addressed directly to the handler/shipper.

response *Accepted*

ADR-OPS.B.085 has been deleted

comment 1385

comment by: Gatwick Airport Ltd

Amend to read "The aerodrome operator shall ensure that organisations involved in handling any hazardous materials that are intended to be

	<p>transferred by air, have established procedures for the protection of persons and property on the aerodrome.</p> <p>Justification</p> <p>The aerodrome operator should manage the airlines, handlers and freight operators.</p>
response	<p><i>Noted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>1616 comment by: Euroairport Bâle-Mulhouse</p> <p>Attachment #342</p> <p>Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.B.085</p> <p>Référence: ADR.OPS.B.085 "The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air." Cf. General comment n°2.</p>
response	<p><i>Noted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>1622 comment by: Zürich Airport</p> <p>Handling and storing of hazardous material is the responsibility of handling agents and airline operators. The aerodrome operator hasn't no responsibility in this area.</p>
response	<p><i>Accepted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>1939 comment by: Stansted Airport</p> <p>ADR.OPS.B.085</p> <p>Delete</p> <p>This is not a role for the aerodrome operator, this is for the airlines, handlers and freight operators.</p>
response	<p><i>Accepted</i></p>

ADR-OPS.B.085 has been deleted

comment 1988 comment by: *London Luton Airport Operations Ltd*

This cannot be the responsibility of the aerodrome operator. Oversight similar to the inclusion at ADR-OPS.B.055 should be considered so that handlers of hazardous materials have to provide evidence and have procedures in place to assure the correct handling, safety protection for persons and property and these should be presented to the aerodrome operator for audit.

response *Accepted*

ADR-OPS.B.085 has been deleted

comment 2067 comment by: *Airport Operators Association*

ADR.OPS.B.085 This should be deleted.
Justification - This is not a role for the aerodrome operator, this is for the airlines, handlers and freight operators.

response *Accepted*

ADR-OPS.B.085 has been deleted

comment 2096 comment by: *ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD*

Attachment [#343](#)

ADBM - NPA 2011-20 (B.I) ADR.OPS.B.085

Référence: ADR.OPS.B.085
 "The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air."

Traduction de courtoisie
 Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air."
 Cf. General comment n°2.

response *Noted*

ADR-OPS.B.085 has been deleted

comment 2145 comment by: *Aéroport de Marseille - MRS/LFML*

Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is

	intended to be transported by air.”
response	<p><i>Noted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>2149 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #344</p> <p>UAF NPA 2011-20 (B.I) ADR.OPS.B.085</p> <p>Référence: ADR.OPS.B.085 “The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air.”</p> <p>Traduction de courtoisie Should be amended as follows: “The aerodrome operator shall ensure within the limits of its competences, that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air.” Cf. General comment n°2.</p>
response	<p><i>Noted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>2257 comment by: <i>Birmingham Airport - BHX/EGBB</i></p> <p>Delete - this is not a role for the Aerodrome Operator - It is the responsibility of the Airline, Handler and Freight Operator</p>
response	<p><i>Accepted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>2288 comment by: <i>Pau Pyrénées Airport - PUF/LFBP</i></p> <p>Should be amended as follows: “The aerodrome operator shall ensure within the limits of its competences, that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air.”</p> <p>Cf. General comment n°2.</p>
response	<p><i>Noted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>2436 comment by: <i>Dublin Airport Authority</i></p> <p>This is not a role for the aerodrome operator. This responsibility lies directly with the airlines, handlers and freight operators and the</p>

	competent authorities for licensing such operations within a Member State.
response	<i>Accepted</i> ADR-OPS.B.085 has been deleted
comment	2463 comment by: <i>Aéroport de Tours Val de Loire - TUF/LFOT</i> the aerodrome operator shall ensure with the limits of its competences
response	<i>Noted</i> ADR-OPS.B.085 has been deleted
comment	2497 comment by: <i>Aéroports De Lyon</i> Cette disposition est inapplicable, l'exploitant d'aérodrome n'est pas en charge de la manutention / exploitation de marchandises dangereuses. Les procédures actuellement applicable ainsi que les formations correspondantes émanent de l'association des compagnies aériennes (IATA) Qu'entend l'EASA par "shall ensure"? <u>Proposition</u> : A supprimer car c'est le rôle des compagnies aériennes et de leurs assistants
response	<i>Accepted</i> ADR-OPS.B.085 has been deleted
comment	2546 comment by: <i>Shannon Airport</i> This is not a role for the aerodrome operator. This responsibility lies directly with the airlines, handlers and freight operators and the competent authorities for licensing such operations within a Member State.
response	<i>Accepted</i> ADR-OPS.B.085 has been deleted
comment	2646 comment by: <i>Infratil Airports Europe Ltd</i> Page No: 69 Paragraph No: ADR.OPS.B.085 Comment: This is not a responsibility of the aerodrome operator. Storage and handling of hazardous materials in this context are the responsibility of the airlines & handling agents. The Aerodrome Operator should hold a level of oversight responsibility but the terminology used here eg. "ensure" implies a much greater level of responsibility on the Aerodrome Operator than is appropriate
response	<i>Accepted</i> ADR-OPS.B.085 has been deleted

comment	2680	comment by: <i>HIA - Highlands and Islands Airports Limited</i>
	B.085 - Handling and storage of hazardous materials intended to be transported by air is the responsibility of the freight operators, airlines and handling agents not the aerodrome operator	
response	<i>Accepted</i> ADR-OPS.B.085 has been deleted	
comment	2753	comment by: <i>Aberdeen Airport Airside Operations</i>
	Delete This is not a role for the aerodrome operator, this is for the airlines, handling agents and the freight operators	
response	<i>Accepted</i> ADR-OPS.B.085 has been deleted	
comment	2775	comment by: <i>LJL Airport - Liverpool John Lennon Airport</i>
	ADR.OPS.B.085	Delete This is not a role for the aerodrome operator, this is for the airlines, handlers and freight operators.
response	<i>Accepted</i> ADR-OPS.B.085 has been deleted	
comment	2894	comment by: <i>Swedavia AB - Swedish airports (currently 11 airports)</i>
	ADR.OPS.B.085. Delete. This is not a role for the aerodrome operator, this is for the airlines, handlers and freight operators.	
response	<i>Accepted</i> ADR-OPS.B.085 has been deleted	
comment	2920	comment by: <i>ACA - Aéroports de la Côte d'Azur - NCE/LFMN</i>
	Référence: ADR.OPS.B.085	"The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air."
	Proposition/commentaire	Il convient d'apporter la modification suivante: "The aerodrome operator shall ensure within the limits of its competences , that procedures are established and maintained for the protection of persons

	and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air.”
Justification	Cf. Commentaire général n°2.
Traduction de courtoisie	Should be amended as follows: “The aerodrome operator shall ensure within the limits of its competences , that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air.” Cf. General comment n°2.

response

Noted

ADR-OPS.B.085 has been deleted

comment

3037

comment by: *East Midlands Airport - EMA/EGNX*

Delete.

Justification: This needs a clearer distinction between the role of the aerodrome operator and the operator handling the hazardous material. eg This is not a role for the aerodrome operator, it is for the airlines, ground handlers and freight operators.

response

Accepted

ADR-OPS.B.085 has been deleted

comment

3056

comment by: *Norwich International Airport*

ADR.OPS.B.085

Delete

This is not a role for the aerodrome operator, this is for the airlines, handlers and freight operators.

response

Accepted

ADR-OPS.B.085 has been deleted

comment

3173

comment by: *Isavia*

ADR.OPS.B.085. Delete. This is not a role for the aerodrome operator; this is for the airlines, handlers and freight operators.

response

Accepted

ADR-OPS.B.085 has been deleted

comment	<p>3245 comment by: <i>SEARD - Societe d'exploitation des Aeroports de Rennes et Dinard</i></p> <p>Attachment #345</p> <p>SEARD NPA 2011-20 (B.I) ADR.OPS.B.085</p> <p>Référence: ADR.OPS.B.085 "The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure within the limits of its competences, that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air." Cf. General comment n°2.</p>
response	<p><i>Noted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>3295 comment by: <i>London Biggin Hill Airport</i></p> <p>ADR.OPS.B.085 Delete, this is the role of the airlines, handlers, service providers and freight operators and Not the role of the aerodrome operator.</p>
response	<p><i>Accepted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>3328 comment by: <i>DAA Cork Airport</i></p> <p>This is not a role for the aerodrome operator. This responsibility lies directly with the airlines, handlers and freight operators and the competent authorities for licensing such operations within a Member State.</p>
response	<p><i>Accepted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>3507 comment by: <i>Fraport AG</i></p> <p>ADR-OPS.B.085 - Handling of hazardous materials</p> <p>Editorial</p> <p>The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air.</p>

	<p>Proposed Text</p> <p>The aerodrome operator shall oblige organizations that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air.</p> <p>Fraport AG: To be consistent with remark to ADR.OR.D.020</p>
response	<p><i>Noted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>3523 comment by: <i>Aéroport Paris Vatry - XCR/LFOK</i></p> <p>NPA 2011-20 (B.I) ADR.OPS.B.085</p> <p>Référence: ADR.OPS.B.085 "The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure <u>within the limits of its competences</u>, that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air." Cf. General comment n°2.</p>
response	<p><i>Noted</i></p> <p>ADR-OPS.B.085 has been deleted</p>
comment	<p>3558 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i></p> <p>NPA 2011-20 (B.I) ADR.OPS.B.085</p> <p>Référence: ADR.OPS.B.085 "The aerodrome operator shall ensure that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall ensure <u>within the limits of its competences</u>, that procedures are established and maintained for the protection of persons and property on the aerodrome during the handling and storing of any hazardous materials that is or is intended to be transported by air." Cf. General comment n°2.</p>
response	<p><i>Noted</i></p> <p>ADR-OPS.B.085 has been deleted</p>

ANNEX III - Part-OPS - ADR-OPS.C.010 – Pavements, other ground surfaces and drainage

p. 70

comment	49	comment by: <i>ACI EUROPE - Airports Council International</i>
	(b) (3) use same wording as used within ICAO Annex 14 - 10.2.4	
response	<i>Accepted</i>	
	Text revised accordingly	
comment	86	comment by: <i>CAA Norway</i>
	We suggest to change ADR.OPS.C.010 (b) (3) on page 70 to use same wording as in ICAO Annex 14 article 10.2.4. " Corrective maintenance action shall be taken when the friction characteristics for either the entire runway or a portion thereof are below a minimum friction level specified by the State. "	
response	<i>Accepted</i>	
	Text has been revised accordingly. Additional information on determining friction characteristics of wet paved surfaces is given in GM1 - ADR.OPS.C.010 (b) (3)	
comment	87	comment by: <i>CAA Norway</i>
	We suggest to change article ADR.OPS.C.010 (b)(2) on page 70 to: "... the surface of runways, taxiways and aprons in order to prevent the formation of harmful irregularities."	
response	<i>Accepted</i>	
	Text revised accordingly	
comment	231	comment by: <i>SWISS AERODROMES ASSOCIATION</i>
	friction characteristics (b 3) do not need to be "above" specified levels, but reach an <u>accepted</u> level	
response	<i>Not accepted</i>	
	Text has been revised according to ICAO Standard 10.2.4	
comment	315	comment by: <i>BAA Airside operations</i>
	(b) (3) After "characteristics" add "when uncontaminated" To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.	
response	<i>Accepted</i>	
	Proposal has been included in (b) (3)	

comment	426	comment by: <i>Edinburgh Airport</i>
	ADR.OPS.C.010 (b) (3) Add "when uncontaminated" after "characteristics" Justification - To clarify that this relates to maintenance and not in periods of contamination, such as winter operations.	
response	<i>Accepted</i> Proposal has been included in (b) (3)	
comment	478	comment by: <i>Avinor</i>
	ADR.OPS.C.010 (b) (3). Use same wording as used within ICAO Annex 14 - 10.2.4. The aerodrome operator shall estimate the runway surface friction for maintenance. The frequency of these assessments and estimates should be sufficient to determine the trend of the surface friction characteristics of the runway.	
response	<i>Accepted</i> Text revised accordingly	
comment	535	comment by: <i>Icelandic Civil Aviation Administration</i>
	We suggest to change ADR.OPS.C.010 (b) (3) on page 70 to use same wording as in ICAO Annex 14 article 10.2.4. "Corrective maintenance action shall be taken when the friction characteristics for either the entire runway or a portion thereof are below a minimum friction level specified by the State."	
response	<i>Partially accepted</i> Text has been revised accordingly. Additional information on determining friction characteristics of wet paved surfaces is given in GM1 - ADR.OPS.C.010 (b) (3)	
comment	536	comment by: <i>Icelandic Civil Aviation Administration</i>
	We suggest to change article ADR.OPS.C.010 (b)(2) to: "... the surface of runways, taxiways and aprons in order to prevent the formation of harmful irregularities."	
response	<i>Accepted</i> Text revised accordingly	
comment	617	comment by: <i>Vienna International Airport</i>
	(b)(2) change to: the surface of runways, taxiways and aprons in order to prevent	
response	<i>Accepted</i> Text revised accordingly	
comment	680	comment by: <i>Exeter International Airport</i>

	ADR.OPS.C.010(b)(3) : After "characteristics" add "when uncontaminated". To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.
response	<i>Accepted</i> Proposal has been included in (b) (3)
comment	692 comment by: <i>Belfast International Airport - BFS/EGAA</i> (b) (3) After "characteristics" add "when uncontaminated" To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.
response	<i>Accepted</i> Proposal has been included in (b) (3)
comment	757 comment by: <i>Finnish Transport Safety Agency</i> We suggest to change article ADR.OPS.C.010 (b)(2) to: "... the surface of runways, taxiways and aprons in order to prevent the formation of harmful irregularities."
response	<i>Accepted</i> Text revised accordingly
comment	758 comment by: <i>Finnish Transport Safety Agency</i> We suggest to change ADR.OPS.C.010 (b) (3) on page 70 to use same wording as in ICAO Annex 14 article 10.2.4. "Corrective maintenance action shall be taken when the friction characteristics for either the entire runway or a portion thereof are below a minimum friction level specified by the State."
response	<i>Accepted</i> Text has been revised accordingly. Additional information on determining friction characteristics of wet paved surfaces is given in GM1 - ADR.OPS.C.010 (b) (3)
comment	947 comment by: <i>Airport Nuremberg - NUE/EDDN</i> The wording in (3) should be adapted according to ICAO Annex 14 - 10.2.4 to prevent misinterpretation of the described measures!
response	<i>Accepted</i> Text revised accordingly
comment	1055 comment by: <i>Dublin Airport Authority</i> Ref (b) -(3) Text should be amended to reflect the same wording as utilised within

	ICAO Annex 14: - 10.4.2.	
response	<i>Accepted</i> Text revised accordingly	
comment	1148	comment by: <i>Cologne/Bonn Airport</i>
	(b)(3): use same wording as ICAO A 14; 10.2.4	
response	<i>Accepted</i> Text revised accordingly	
comment	1230	comment by: <i>Bristol Airport - BRS/EGGD</i>
	ADR.OPS.C.010(b)(3)	After "characteristics" add "when uncontaminated" To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.
response	<i>Accepted</i> Proposal has been included in (b) (3)	
comment	1291	comment by: <i>Blackpool Airport - BLK/EGNH</i>
	ADR.OPS.C.010(b)(3) : After "characteristics" add "when uncontaminated". To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.	
response	<i>Accepted</i> Proposal has been included in (b) (3)	
comment	1374	comment by: <i>Federal Office of Civil Aviation FOCA</i>
	Change para. (b) (2) to: "the surface of runways, taxiways and aprons in order to prevent the formation of harmful irregularities". Justification: The surface of taxiways and aprons shall also be maintained to prevent the formation of harmful irregularities.	
response	<i>Accepted</i> Text revised accordingly	
comment	1381	comment by: <i>Danish Transport Authority</i>
	(b)(2) AMC and GM based on ICAO Annex 14, Attachment A, section 5 on this part of runway surface evenness should be prepared.	
response	<i>Accepted</i>	
comment	1383	comment by: <i>Danish Transport Authority</i>

	(b) (3) The provision should be according to ICAO Annex 14, part of article 10.2.3 and article 10.2.4. "Corrective maintenance action shall be taken when the friction characteristics for either the entire runway or a portion thereof are below a minimum friction level specified by the State. The frequency of these measurements shall be sufficient to determine the trend of the surface friction characteristics of the runway;"
response	<i>Accepted</i> Text has been revised accordingly. Additional information on determining friction characteristics of wet paved surfaces is given in GM1 - ADR.OPS.C.010 (b) (3)
comment	1386 comment by: <i>Gatwick Airport Ltd</i> (b)(3) After "characteristics" add "when uncontaminated" Justification To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.
response	<i>Accepted</i> Text revised accordingly
comment	1433 comment by: <i>Salzburger Flughafen GmbH</i> (b) (2) change to: the surface of runways, taxiways and aprons in order to prevent
response	<i>Accepted</i> Text revised accordingly
comment	1527 comment by: <i>Flughafen Linz-Hörsching - LNZ/LOWL</i> (b)(2) change to: the surface of runways, taxiways and aprons in order to prevent....
response	<i>Accepted</i> Text revised accordingly
comment	1719 comment by: <i>ECA - European Cockpit Association</i> Delete (b)(2) and replace with: (2) the surface of a runway in order to prevent the formation of harmful deposits that might cause damage to aircraft or impair the operation of aircraft systems. Justification: The term "irregularities" is too vague, in particular in a European

	multilingual environment.
response	<p><i>Accepted</i></p> <p>Additional information is provided in GM3 - ADR.OPS.C.010 (b) (2)</p>
comment	<p>1721 comment by: <i>ECA - European Cockpit Association</i></p> <p>Delete (b)(3) and replace with:</p> <p>(3)(i) The surface of a runway or runway turn pad shall, as far as possible, be maintained in a clean condition so as to provide a good braking friction co-efficient and low rolling resistance. Snow, slush, ice, standing water, mud, dust and sand shall be removed as rapidly and completely as possible.</p> <p>(3)(ii) Oil, rubber deposits and other contaminants shall be removed by a regular maintenance schedule. The coefficient of friction shall be measured at regular intervals when the runway is reported to be slippery by the operators and the runway shall be cleaned if the friction characteristics are found to be below a level specified by the State.</p> <p>Note 1.- The measurement of the coefficient of friction as required after an operator's report should be performed under similar environmental conditions.</p> <p>(3)(iii) On runways planned for use by aircraft de-iced or anti-iced by AEA Type II fluids, rubber deposits should be removed prior to operations on runways with freezing contaminants.</p> <p>Justification:</p> <p>ADR.OPS.C.010 is not detailed enough regarding the needed maintenance action for paved runways. The aim should be to provide good friction characteristics with a minimum friction level specified by the competent authority.</p> <p>Heavy rubber deposits are particularly dangerous when the runway is wet and this type of contamination is a known factor contributing to directional control problems and runway excursion accidents.</p> <p>The contaminants listed in ADR.OPS.C.010 should be divided into the following two categories and actions taken accordingly by the aerodrome operator:</p> <p>(i) those which can accumulate rapidly and which need to be removed as quickly as possible; and</p> <p>(ii) those which build-up over a longer period of time and which should be dealt with through implementation of a regular maintenance programme.</p> <p>Reference: IFALPA Annex 14, paragraphs 10.2.8.x; 10.2.8.y and 10.2.8.z</p>
response	<i>Noted</i>
comment	<p>1732 comment by: <i>Flughafen Graz Betriebs GmbH</i></p> <p>(b)(2) change to: the surface of runways, taxiways and aprons in order to prevent</p>
response	<i>Accepted</i>

	Text revised accordingly
comment	<p>1940 comment by: <i>Stansted Airport</i></p> <p>ADR.OPS.C.010(b)(3)</p> <p>After "characteristics" add "when uncontaminated"</p> <p>To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>
comment	<p>2036 comment by: <i>Geneva International Airport (ROMIG)</i></p> <p>ADR.OPS.C.010 (b) (3) - Use same wording as used within ICAO Annex 14 article 10.2.4. This provides consistency with ICAO documentation.</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>
comment	<p>2072 comment by: <i>Airport Operators Association</i></p> <p>ADR.OPS.C.010(b)(3) After "characteristics" add "when uncontaminated"</p> <p>Justification – This is required to clarify that it relates to maintenance and not in periods of contamination, such as in winter weather.</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>
comment	<p>2259 comment by: <i>Birmingham Airport - BHX/EGBB</i></p> <p>b (3) After the word 'characteritics' insert 'when uncontaminated' to provide clarity that this refers to maintenance conditions.</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>
comment	<p>2440 comment by: <i>Dublin Airport Authority</i></p> <p>(3) should be amended to reflect the same wording as utilised within ICAO Annex 14: - 10.2.4.</p>
response	<p><i>Accepted</i></p> <p>Text revised accordingly</p>
comment	<p>2512 comment by: <i>Munich Airport International</i></p> <p>(b)</p>

	(3): use same wording as used within ICAO Annex 14 - 10.2.4			
response	<i>Accepted</i> Text revised accordingly			
comment	2647 <i>comment by: Infratil Airports Europe Ltd</i> Page No: 70 Paragraph No: ADR.OPS.C.010(b)(3) Comment To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather. After "characteristics" add "when uncontaminated"			
response	<i>Accepted</i> Text revised accordingly			
comment	2754 <i>comment by: Aberdeen Airport Airside Operations</i> (b) (3) After "characteristics" add "when uncontaminated" To clarify that this relates to maintenance and not in periods of contamination, such as winter weather			
response	<i>Accepted</i> Text revised accordingly			
comment	2776 <i>comment by: LJL Airport - Liverpool John Lennon Airport</i> <table border="1" data-bbox="384 1294 1401 1440"> <tr> <td>ADR.OPS.C.010(b)(3)</td> <td>After "characteristics" add "when uncontaminated"</td> <td>To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.</td> </tr> </table>	ADR.OPS.C.010(b)(3)	After "characteristics" add "when uncontaminated"	To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.
ADR.OPS.C.010(b)(3)	After "characteristics" add "when uncontaminated"	To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.		
response	<i>Accepted</i> Text revised accordingly			
comment	2842 <i>comment by: Flughafen Klagenfurt</i> (b)(2) change to: the surface of runways, taxiways and aprons in order to prevent			
response	<i>Accepted</i> Text revised accordingly			
comment	2895 <i>comment by: Swedavia AB - Swedish airports (currently 11 airports)</i> ADR.OPS.C.010 (b) (3). Use same wording as used within ICAO Annex 14			

- 10.2.4. The aerodrome operator shall estimate the runway surface friction for maintenance. The frequency of these assessments and estimates should be sufficient to determine the trend of the surface friction characteristics of the runway.

response *Accepted*

Text revised accordingly

comment *3060* comment by: *Norwich International Airport*
ADR.OPS.C.010(b)(3)

After "characteristics" add "when uncontaminated"

To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.

response *Accepted*

Text revised accordingly

comment *3068* comment by: *East Midlands Airport - EMA/EGNX*
(b)(3) After "characteristics" add "when uncontaminated"

Justification: Adding "when uncontaminated" clarifies that this relates to maintenance and not during periods where contamination may be present, such as conditions experienced during winter.

response *Accepted*

Text revised accordingly

comment *3175* comment by: *Isavia*
We suggest changing ADR.OPS.C.010 (b) (3) on page 70 to use same wording as in ICAO Annex 14 article 10.2.4. "Corrective maintenance action shall be taken when the friction characteristics for either the entire runway or a portion thereof are below a minimum friction level specified by the State."

response *Accepted*

Text has been revised accordingly. Additional information on determining friction characteristics of wet paved surfaces is given in GM1 - ADR.OPS.C.010 (b) (3)

comment *3176* comment by: *Isavia*
We suggest to change article ADR.OPS.C.010 (b)(2) to: "... the surface of runways, taxiways and aprons in order to prevent the formation of harmful irregularities."

response *Accepted*

Text revised accordingly

comment	3220	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	be consistent with ICAO Annex 14 article 10.2.4	
response	<i>Accepted</i>	
	Text revised accordingly	
comment	3223	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	(b)(2) do not limit to runways	
response	<i>Accepted</i>	
	Text revised accordingly	
comment	3298	comment by: <i>London Biggin Hill Airport</i>
	ADR.OPS.C.010 (b)(3) After "characteristics" add "when uncontaminated" To clarify that this relates to maintenance and not in periods of contamination, such as in winter weather.	
response	<i>Accepted</i>	
	Text revised accordingly	
comment	3323	comment by: <i>DAA Cork Airport</i>
	(b) (3) - Text should be amended to reflect the same wording as utilised within ICAO Annex 14: - 10.4.2.	
response	<i>Accepted</i>	
	Text revised accordingly	
comment	3411	comment by: <i>ADV -German Airports Association</i>
	ADR.OPS.C.010	(b) (3) use same wording as used within ICAO Annex 14 - 10.2.4
response	<i>Accepted</i>	
	Text revised accordingly	
comment	3508	comment by: <i>Fraport AG</i>
	ADR-OPS.C.010 - Pavements, other ground surfaces and drainage (b) (3) Editorial each paved runway in a condition so as to provide surface friction characteristics above the minimum friction level specified by the competent authority.	
	Proposed Text each paved runway when the friction characteristics for either the	

entire runway or a portion thereof are below a minimum friction level specified by the State.

Fraport
use same wording as used within ICAO Annex 14 - 10.2.4

AG:

response *Accepted*

Text has been revised accordingly. Additional information on determining friction characteristics of wet paved surfaces is given in GM1 - ADR.OPS.C.010 (b) (3)

ANNEX III - Part-OPS - ADR-OPS.C.015 – Visual aids and electrical systems

p. 70

comment 50 comment by: *ACI EUROPE - Airports Council International*
replace "shall establish" by "shall ensure that"

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.

comment 236 comment by: *SWISS AERODROMES ASSOCIATION*
"shall establish" should be replaced by "shall ensure that" in order to allow delegation

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. However, the proposed rule doesn't prevent the aerodrome operator from contracting the implementation of this programme to a third party. The text has been revised accordingly to give more clarity

comment 316 comment by: *BAA Airside operations*
(a) Replace "establish" with "have"

Aerodromes will already have such systems in place so there is a need to have them but not to establish them

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is

envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule

comment 427 comment by: *Edinburgh Airport*

ADR.OPS.C.015 (a) Replace "establish" with "have"
Justification - Aerodromes will already have such systems in place, so there is no need to establish them.

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule

comment 479 comment by: *Avinor*

ADR.OPS.C.015 (a). Replace "shall establish" by "shall ensure that".

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.

comment 603 comment by: *Flughafen Düsseldorf GmbH*

"Shall establish" sollte durch "shall ensure that" ersetzt werden.

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.

comment 681 comment by: *Exeter International Airport*

ADR.OPS.C.015(a) : Replace "establish" with "have". Aerodromes will already have such systems in place so there is a need to have them but not to establish them.

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is

envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule

comment 693 comment by: *Belfast International Airport - BFS/EGAA*
Change "establish" to have as aerodromes will have this in place.

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule

comment 713 comment by: *Flughafen Duesseldorf GmbH*
The aerodrome operator shall ensure that a system is established.

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.

comment 900 comment by: *Union des Aéroports français - UAF*
Attachment [#346](#)

UAF NPA 2011-20 (B.I) ADR.OPS.C.015

Référence: ADR.OPS.C.015
"The aerodrome operator shall establish a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability."

Traduction de courtoisie
Should be amended as follows: "The aerodrome operator shall ~~establish~~ ensure that a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability ~~is established~~."

The aerodrome operator has not necessarily to establish by him/herself a system of preventive and corrective maintenance of visual aids. This system is often determined by the competent authority or the provider of air navigation service. However the aerodrome operator must ensure that such a system is well established or set up on the aerodrome.

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va

(which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.

comment 1151 comment by: Cologne/Bonn Airport

(a): replace "shall establish" by "shall ensure that"

response Not accepted

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.

comment 1201 comment by: ADP : Aeroports de Paris

Référence: ADR.OPS.C.015 "The aerodrome operator shall establish a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability."

Proposition/commentaire Il convient d'apporter la modification suivante: "The aerodrome operator shall **establish ensure that** a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability **is established.**"

Justification L'exploitant d'aérodrome n'a pas forcément à établir lui-même un système de maintenance préventive et corrective des aides visuelles. Ce système est souvent établi par l'autorité compétente ou le prestataire de service de navigation aérienne. En revanche l'exploitant d'aérodrome doit veiller qu'un tel système est bien établi ou mis en place sur son aérodrome.

Traduction de courtoisie

Should be amended as follows: "The aerodrome operator shall **establish ensure that** a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability **is established.**"

The aerodrome operator has not necessarily to establish by him/herself a system of preventive and corrective maintenance of visual aids. This system is often determined by the competent authority or the provider of air navigation service. However the aerodrome operator must ensure that such a system is well established or set up on the aerodrome.

response Not accepted

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.

comment	1231	comment by: <i>Bristol Airport - BRS/EGGD</i>
	ADR.OPS.C.015(a)	Replace "establish" with "have" Aerodromes will already have such systems in place so there is a need to have them but not to establish them.
response	<i>Not accepted</i> The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule	
comment	1292	comment by: <i>Blackpool Airport - BLK/EGNH</i>
	ADR.OPS.C.015(a) : Replace "establish" with "have". Aerodromes will already have such systems in place so there is a need to have them but not to establish them.	
response	<i>Not accepted</i> The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule	
comment	1387	comment by: <i>Gatwick Airport Ltd</i>
	(a) Replace "establish" with "have" Justification Aerodromes will already have such systems in place so there is a need to have them but not to establish them.	
response	<i>Not accepted</i> The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule	
comment	1617	comment by: <i>Euroairport Bâle-Mulhouse</i>

Attachment [#347](#)

Aéroport Bâle – Mulhouse NPA 2011-20 (B.I) ADR.OPS.C.015

Référence: ADR.OPS.C.015
 "The aerodrome operator shall establish a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability."

Traduction de courtoisie
 Should be amended as follows: "The aerodrome operator shall ~~establish~~ **ensure that** a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability ~~is established~~."

The aerodrome operator has not necessarily to establish by him/herself a system of preventive and corrective maintenance of visual aids. This system is often determined by the competent authority or the provider of air navigation service. However the aerodrome operator must ensure that such a system is well established or set up on the aerodrome.

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.

comment *1851* comment by: *Assaeroporti - Associazione Italiana Gestori Aeroporti*

We suggest to replace "shall establish" by "shall ensure that".

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.

comment *1868* comment by: *UK CAA***Page No:** 70**Paragraph No:** ADR.OPS.C.015

Comment: Electrical systems are included in the title but not mentioned again. They should be included in the text. There is no need for "a" as there is no "b" etc. Also text should mention compliance.

Justification: Consistency, completeness and accuracy. Compliance will improve interoperability and standardisation of use.

Proposed Text: "The aerodrome operator shall establish a system of corrective and preventive maintenance of visual aids **and electrical systems** to ensure lighting and marking system availability, reliability

	and compliance”.
response	<i>Accepted</i> Text revised accordingly
comment	1941 comment by: <i>Stansted Airport</i> ADR.OPS.C.015(a) Replace “establish” with “have” Aerodromes will already have such systems in place so there is a need to have them but not to establish them.
response	<i>Not accepted</i> The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule
comment	2039 comment by: <i>Geneva International Airport (ROMIG)</i> ADR.OPS.C.015 (a) - in some cases the maintenance of Visual Aids is outsourced. In this case, it would make sense to replace "shall establish" by "shall ensure that".
response	<i>Not accepted</i> The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. However, the proposed rule doesn't prevent the aerodrome operator from contracting the implementation of this programme to a third party. The text has been revised accordingly to give more clarity
comment	2077 comment by: <i>Airport Operators Association</i> ADR.OPS.C.015(a) Replace “establish” with “have” Justification - Aerodromes will already have such systems in place so there is a need to have them but not to establish them.
response	<i>Not accepted</i> The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule

comment	<p>2098 comment by: <i>ADBM - Aeroport de Bordeaux Merignac - BOD/LFBD</i></p> <p>Attachment #348</p> <p>ADBM - NPA 2011-20 (B.I) ADR.OPS.C.015</p> <p>Référence: ADR.OPS.C.015 "The aerodrome operator shall establish a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish ensure that a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability is established."</p> <p>The aerodrome operator has not necessarily to establish by him/herself a system of preventive and corrective maintenance of visual aids. This system is often determined by the competent authority or the provider of air navigation service. However the aerodrome operator must ensure that such a system is well established or set up on the aerodrome.</p>
response	<p><i>Not accepted</i></p> <p>The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.</p>
comment	<p>2146 comment by: <i>Aéroport de Marseille - MRS/LFML</i></p> <p>Should be amended as follows: "The aerodrome operator shall establish ensure that a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability is established."</p> <p>The aerodrome operator has not necessarily to establish by him/herself a system of preventive and corrective maintenance of visual aids. This system is often determined by the competent authority or the provider of air navigation service. However the aerodrome operator must ensure that such a system is well established or set up on the aerodrome.</p>
response	<p><i>Not accepted</i></p> <p>The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.</p>
comment	<p>2164 comment by: <i>Aéroport Nantes Atlantique - NTE/LFRS</i></p> <p>Attachment #349</p>

	UAF	NPA	2011-20	(B.I)	ADR.OPS.C.015
	<p>Référence: ADR.OPS.C.015 "The aerodrome operator shall establish a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish ensure that a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability is established."</p> <p>The aerodrome operator has not necessarily to establish by him/herself a system of preventive and corrective maintenance of visual aids. This system is often determined by the competent authority or the provider of air navigation service. However the aerodrome operator must ensure that such a system is well established or set up on the aerodrome.</p>				
response	<p><i>Not accepted</i></p> <p>The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.</p>				
comment	2279	comment by: Pau Pyrénées Airport - PUF/LFBP			
	<p>Should be amended as follows: "The aerodrome operator shall establish ensure that a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability is established."</p> <p>The aerodrome operator has not necessarily to establish by him/herself a system of preventive and corrective maintenance of visual aids. This system is often determined by the competent authority or the provider of air navigation service. However the aerodrome operator must ensure that such a system is well established or set up on the aerodrome.</p>				
response	<p><i>Not accepted</i></p> <p>The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.</p>				
comment	2470	comment by: Turin Airport - TRN/LIMF			
	<p>We suggest to replace "shall establish" by "shall ensure that".</p>				
response	<p><i>Not accepted</i></p> <p>The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a</p>				

maintenance programme.

comment	<p>2491 comment by: <i>Tarbes-Lourdes-Pyrénées airport</i></p> <p>Attachment #350</p> <p>NPA 2011-20 B.I ADR.OPS.C.015</p> <p>Référence: ADR.OPS.C.015 "The aerodrome operator shall establish a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability."</p> <p>Traduction de courtoisie Should be amended as follows: "The aerodrome operator shall establish ensure that a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability is established."</p> <p>The aerodrome operator has not necessarily to establish by him/herself a system of preventive and corrective maintenance of visual aids. This system is often determined by the competent authority or the provider of air navigation service. However the aerodrome operator must ensure that such a system is well established or set up on the aerodrome.</p>
response	<p><i>Not accepted</i></p> <p>The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.</p>
comment	<p>2513 comment by: <i>Munich Airport International</i></p> <p>(a)</p> <p>replace "shall establish" by "shall ensure that"</p>
response	<p><i>Not accepted</i></p> <p>The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.</p>
comment	<p>2648 comment by: <i>Infratil Airports Europe Ltd</i></p> <p>Page No:</p> <p>Paragraph No: ADR.OPS.C.015(a)</p> <p>Comment Aerodromes will already have such systems in place so there is a need to have them but not to establish them.</p>
response	<p><i>Not accepted</i></p>

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule

comment 2755 comment by: *Aberdeen Airport Airside Operations*
 (a) Replace "establish" with "have"
 Aerodromes will already have such systems in place so there is a need to have them but not to establish them

response *Not accepted*
 The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule

comment 2777 comment by: *LJL Airport - Liverpool John Lennon Airport*

ADR.OPS.C.015(a)	Replace "establish" with "have"	Aerodromes will already have such systems in place so there is a need to have them but not to establish them.
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response *Not accepted*
 The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule

comment 2921 comment by: *ACA - Aéroports de la Côte d'Azur - NCE/LFMN*

Référence: ADR.OPS.C.015	"The aerodrome operator shall establish a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability."
Proposition/commentaire	Il convient d'apporter la modification suivante: "The aerodrome operator shall establish ensure that a system of corrective and preventive maintenance of visual aids

	to ensure lighting and marking system availability and reliability is established. "
Justification	L'exploitant d'aérodrome n'a pas forcément à établir lui-même un système de maintenance préventive et corrective des aides visuelles. Ce système est souvent établi par l'autorité compétente ou le prestataire de service de navigation aérienne. En revanche l'exploitant d'aérodrome doit veiller qu'un tel système est bien établi ou mis en place sur son aérodrome.
Traduction de courtoisie	Should be amended as follows: "The aerodrome operator shall establish ensure that a system of corrective and preventive maintenance of visual aids to ensure lighting and marking system availability and reliability is established. " The aerodrome operator has not necessarily to establish by him/herself a system of preventive and corrective maintenance of visual aids. This system is often determined by the competent authority or the provider of air navigation service. However the aerodrome operator must ensure that such a system is well established or set up on the aerodrome.

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.

comment *3062* comment by: *Norwich International Airport*

ADR.OPS.C.015(a)

Replace "establish" with "have"

Aerodromes will already have such systems in place so there is a need to have them but not to establish them.

response *Not accepted*

The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already

established a maintenance programme is not a reason for not including this requirement in the implementing rule

comment	3078	comment by: <i>East Midlands Airport - EMA/EGNX</i>
	(a) Replace "establish" with "have in place"	
	Justification: Aerodromes will already have such systems in place so there no need to establish them.	
response	<i>Not accepted</i>	
	The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule	
comment	3226	comment by: <i>Airport St. Gallen-Altenrhein - ACH/LSZR</i>
	Replace "shall establish" by "shall ensure that"	
response	<i>Not accepted</i>	
	The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.	
comment	3299	comment by: <i>London Biggin Hill Airport</i>
	ADR.OPS.C.015 (a) Replace "establish" with "have" Aerodromes will already have such systems in place so there is a need to have them but not to establish them.	
response	<i>Not accepted</i>	
	The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme. The fact that many aerodromes have already established a maintenance programme is not a reason for not including this requirement in the implementing rule	
comment	3412	comment by: <i>ADV -German Airports Association</i>
	ADR.OPS.C.015	(a)
	replace "shall establish" by "shall ensure that"	
response	<i>Not accepted</i>	
	The aerodrome operator according to Annex Va, B.1.(b) of the BR is	

responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.

comment	<p>3509 comment by: <i>Fraport AG</i></p> <p>ADR-OPS.C.015 - Visual aids and electrical systems (a)</p> <p>Editorial</p> <p>The aerodrome operator shall establish a system of corrective and preventive maintenance of visual aids to ensure</p> <p>Proposed Text</p> <p>The aerodrome operator shall ensure that a system of corrective and preventive maintenance of visual aids is in place to ensure</p> <p>Fraport AG: Better wording on this topic.</p>
response	<p><i>Not accepted</i></p> <p>The aerodrome operator according to Annex Va, B.1.(b) of the BR is responsible to verify that the requirements of Section A of Annex Va (which includes the visual aids) are complied with at all times. It is envisaged that this is achieved through the establishment of a maintenance programme.</p>

Appendix A **Attachments**

 [UAF NPA 2011-20 \(B.I-III\) Com gal 1Fi.pdf](#)
Attachment #1 to comment [#765](#)

 [UAF NPA 2011-20 \(B.I-III\) Com gal 2Fi.pdf](#)
Attachment #2 to comment [#770](#)

 [UAF NPA 2011-20 \(B.I-III\) Com gal 3Fi.pdf](#)
Attachment #3 to comment [#771](#)

 [UAF NPA 2011-20 \(B.I-III\) Com gal 4Fi.pdf](#)
Attachment #4 to comment [#772](#)

 [UAF NPA 2011-20 \(B.I-III\) Com gal 5Fi.pdf](#)

Attachment #5 to comment [#773](#)

 [UAF NPA 2011-20 \(B.I-III\) Com gal 6Fi.pdf](#)
Attachment #6 to comment [#774](#)

 [UAF NPA 2011-20 \(B.I-III\) Com gal 7Fi.pdf](#)
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 [UAF NPA 2011-20 \(B.I-II\) Com gal 8Fi.pdf](#)
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 [EAP NPA 2011-20 \(B.I-III\) Com gal 7Fi.pdf](#)
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Attachment #20 to comment [#1557](#)

 [ADBM NPA 2011-20 B.I-III Com gal 1Fi.pdf](#)
Attachment #21 to comment [#1899](#)

 [ADBM NPA 2011-20 B.I-III Com gal 2Fi.pdf](#)
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 [ADBM NPA 2011-20 B.I-III Com gal 6Fi.pdf](#)
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Attachment #24 to comment [#2298](#)

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Attachment #25 to comment [#2304](#)

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 [ACA NPA 2011-20 B.I-III Com gal 2Fi.pdf](#)
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 [ACA NPA 2011-20 B.I-III Com gal 1Fi.pdf](#)
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 [SEARD NPA 2011-20 B.I-III Com gal 1Fi.pdf](#)
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 [CRD NPA 2011-20-B1 CRD FRAPORT 20120430.pdf](#)
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 [SEARD NPA 2011-20 \(B.I-III\) Com gal 2.pdf](#)
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 [ATB NPA 2011-20 \(B.I-III\) Com gal 2.pdf](#)
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 [NPA 2011-20 \(B.I-III\) Com gal 3.pdf](#)
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 [NPA 2011-20 \(B.I-III\) Com gal 4.pdf](#)
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 [NPA 2011-20 \(B.I-III\) Com gal 5.pdf](#)
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 [UAF NPA 2011-20 \(B.I-III\) Com gal 2.pdf](#)
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Attachment #64 to comment [#3581](#)

 [UAF NPA 2011-20 \(B.I-III\) Com gal 5.pdf](#)
Attachment #65 to comment [#3582](#)

 [UAF NPA 2011-20 \(B.I-III\) Com gal 7.pdf](#)
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 [UAF NPA 2011-20 \(B.I\) CR Art.1, 2.\(b\).pdf](#)
Attachment #70 to comment [#784](#)

 [EAP NPA 2011-20 \(B.I\) CR Art.1, 2.\(b\).pdf](#)
Attachment #71 to comment [#1558](#)

 [ADBM NPA 2011-20 B.I CR Art.1, 2. b .pdf](#)
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 [UAF NPA 2011-20 \(B.I\) CR Art.1, 2.\(b\).pdf](#)
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 [UAF NPA 2011-20 \(B.I\) CR Art.2 aerodrome equipment.pdf](#)
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 [UAF NPA 2011-20 \(B.I\) CR Art.2 apron management service.pdf](#)
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 [UAF NPA 2011-20 \(B.I\) CR Art.2 audit.pdf](#)
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 [UAF NPA 2011-20 \(B.I\) CR Art.2, instrument runway.pdf](#)
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 [UAF NPA 2011-20 \(B.I\) CR Art.2 aerodrome equipment.pdf](#)
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 [UAF NPA 2011-20 \(B.I\) CR Art.3, 1..pdf](#)
Attachment #100 to comment [#792](#)

 [UAF NPA 2011-20 \(B.I\) CR Art.3, 5.\(f\).pdf](#)
Attachment #101 to comment [#793](#)

 [EAP NPA 2011-20 \(B.I\) CR Art.3, 1..pdf](#)
Attachment #102 to comment [#1567](#)

 [EAP NPA 2011-20 \(B.I\) CR Art.3, 5.\(f\).pdf](#)
Attachment #103 to comment [#1568](#)

 [ADBM NPA 2011-20 B.I CR Art.3, 1..pdf](#)
Attachment #104 to comment [#2269](#)

 [UAF NPA 2011-20 \(B.I\) CR Art.3, 1..pdf](#)
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 [SEARD NPA 2011-20 B.I CR Art.3, 1..pdf](#)
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 [UAF NPA 2011-20 \(B.I\) CR Art.3, 5. \(f\).pdf](#)

Attachment #107 to comment [#3592](#)

 [UAF NPA 2011-20 \(B.I\) CR Art.5, 1.\(b\) et 3.\(a\).pdf](#)
Attachment #108 to comment [#794](#)

 [EAP NPA 2011-20 \(B.I\) CR Art.5, 1.\(b\) et 3.\(a\).pdf](#)
Attachment #109 to comment [#1569](#)

 [ADBM NPA 2011-20 B.I CR Art.5, 1. b et 3. a .pdf](#)
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 [UAF NPA 2011-20 \(B.I\) CR Art.5, 1.\(b\) et 3.\(a\).pdf](#)
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 [UAF NPA 2011-20 \(B.I\) CR Art.5, 1.\(b\) et 3.\(a\).pdf](#)
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Attachment #349 to comment [#2491](#)

**COMMENT RESPONSE DOCUMENT (CRD)
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2011-20 (B.I)**

***'Authority, Organisation and Operations Requirements for
Aerodromes'***

**CRD to NPA 2011-20 (B.I) – Draft Implementing
Rule**

RESULTING TEXT



**COMMENT RESPONSE DOCUMENT (CRD)
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2011-20 (B.I)**

Authority, Organisation and Operations Requirements for Aerodromes'

(B.I) CRD to NPA 2011-20 (B.I) – *Draft Implementing Rules*

COVER REGULATION

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, ...

C

Draft

COMMISSION REGULATION (EU) No .../...

of [...]

**laying down requirements and administrative procedures
related to aerodromes pursuant to Regulation (EC) No 216/2008
of the European Parliament and of the Council**

(Text with EEA relevance)

COVER REGULATION

Draft

COMMISSION REGULATION (EU) No .../...

of [...]

**laying down requirements and administrative procedures
related to aerodromes pursuant to Regulation (EC) No 216/2008
of the European Parliament and of the Council**

THE COMMISSION OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC¹, amended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009², and in particular Article 8a(5) thereof,

Whereas:

- (1) Regulation (EC) No 216/2008 aims at establishing and maintaining a high uniform level of civil aviation safety in Europe. That Regulation provides for the means of achieving that objective and other objectives in the field of civil aviation safety.
- (2) The implementation of Regulation (EC) No 216/2008 requires the establishment of more detailed Implementing Rules, in particular concerning the safety regulation of aerodromes, in order to maintain a high uniform level of civil aviation safety in Europe while pursuing the objective of an overall improvement in aerodrome safety.
- (3) Aerodromes and aerodrome equipment as well as the operation of aerodromes shall comply with the essential requirements set out in Annex Va and, if applicable, Annex Vb. According to Regulation (EC) No 216/2008, a certificate shall be required in respect of each aerodrome; compliance with the certification basis and the Implementing Rules should mean that the essential requirements set out in Annex Va and, if applicable, Annex Vb have been complied with; the certificate and certification of changes to that certificate shall be issued when the applicant has shown that the aerodrome complies with the aerodrome certification basis; organisations responsible for the operation of aerodromes shall demonstrate their capability and means to discharge the responsibilities associated with their privileges.
- (4) These capabilities and means shall be recognised through the issuance of a single or

¹ OJ L 79, 13.3.2008, p. 1.

² OJ L 309, 24.11.2009, p. 51.

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separate certificate if the Member State where the aerodrome is located so decides. The privileges granted to the certified organisation and the scope of the certificate, including a list of aerodromes to be operated, shall be specified in the certificate.

- (5) Regulation (EC) No 216/2008 requires the European Commission to adopt the necessary Implementing Rules for establishing the conditions for the design and safe operation of aerodromes referred to in Article 8a(5) before 31 December 2013. This Regulation provides for those Implementing Rules.
- (6) In order to ensure a smooth transition and a high level of civil aviation safety in the European Union, the Implementing Rules should reflect the state of the art and the best practices in the field of aerodromes; take into account the applicable International Civil Aviation Organisation (hereinafter referred to as 'ICAO') Standards and Recommended Practices; and worldwide aerodrome operation experience, and scientific and technical progress in the field of aerodromes; be proportionate to the size, traffic, category and complexity of the aerodrome and nature and volume of operations thereon; provide for the necessary flexibility for customised compliance; and cater for the cases of aerodrome infrastructure which has been developed, prior to the coming into force of this Regulation, in accordance with the different requirements contained in the national legislations of the Member States.
- (7) It is necessary to provide sufficient time for the aerodrome industry and Member State administrations to adapt to the new regulatory framework and to verify the continued validity of certificates issued before the applicability of this Regulation.
- (8) Member States should ensure, as far as practicable, that any aerodromes controlled and operated by the military and open to public use offer a level of safety that is at least equivalent to the level required by the essential requirements set out in Annex Va and Vb to Regulation (EC) No 216/2008. Therefore, Member States may also decide to apply this Regulation to said aerodromes.
- (9) Member States may decide to exempt from the provisions of Regulation (EC) No 216/2008 an aerodrome which handles no more than 10 000 passengers per year and handles no more than 850 movements related to cargo operations per year. However, said aerodrome and the operation thereon should be expected to comply with the general safety objectives of Regulation (EC) No 216/2008 and any other rule of European Union law. Therefore, Member States may also decide to apply this Regulation to said aerodromes.
- (10) Requirements for heliports (Annex 14, Volume II, Heliports) both in terms of stand-alone Instrument Flight Rule (IFR) heliports as well as Visual Flight Rules (VFR) heliports co-located at certified aerodromes will be undertaken at a later stage. Until these Implementing Rules are in place, the respective national regulations should be applicable, to the extent they do not conflict with applicable Community rules.
- (11) Requirements for the certification of aerodrome equipment, as well as for the oversight of designers and producers of safety-critical aerodrome equipment, should follow at a later stage jointly with the work to be done for specific ATM systems and constituents.

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- (12) Requirements for apron management services should follow at a later stage, to be developed jointly with ATM and aerodrome experts, and thus certain articles of this Regulation should come into effect when such requirements for apron management services have been adopted.
- (13) With a view to ensuring uniformity in the application of common requirements, it is essential that common standards be applied by the competent authorities and, where applicable, the Agency when assessing compliance with these requirements; the Agency should develop Acceptable Means of Compliance and Guidance Material to facilitate the necessary regulatory uniformity.
- (14) With regard to obstacle management in the aerodrome surroundings as well as other activities outside the aerodrome's boundary it was recognized that in different Member States there may be different authorities and other entities in charge of monitoring, assessment and mitigation risks. The aim of this regulation is not to change current allocation of tasks within the Member State. At the same time, a seamless organisation of the competences regarding the safeguarding of aerodrome surroundings and the monitoring and mitigating of risk caused by human activities should be ensured inside each Member State. It should be ensured, that authorities given responsibilities of safeguarding the surrounding of aerodromes have the adequate competency to fulfil their obligations.
- (15) The measures provided for in this Regulation are based on the Opinion issued by the EASA (hereafter referred to as the 'Agency') in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 65 of Regulation (EC) No 216/2008,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down detailed rules for the uniform implementation of Regulation (EC) No 216/2008 in the area of aerodromes.
2. Competent Authorities involved in the certification and oversight of aerodromes, aerodrome operators and apron management service providers shall within 48 months from the coming into force of this Regulation comply with the requirements laid down in Annex I to this Regulation.
3. Aerodrome operators and providers of apron management services shall comply with the requirements laid down in Annex II to this Regulation.

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4. Aerodrome operators shall comply with the requirements laid down in Annex III to this Regulation.
5. This Regulation lays down detailed rules on:
 - (a) the conditions for establishing and notifying to the applicant the certification basis applicable to an aerodrome;
 - (b) the conditions for issuing, maintaining, amending, limiting, suspending or revoking certificates for aerodromes, certificates for organisations responsible for the operation of aerodromes, including operating limitations related to the specific design of the aerodrome;
 - (c) the conditions for operating an aerodrome in compliance with the essential requirements set out in Annex Va and, if applicable, Annex Vb to Regulation (EC) No 216/2008;
 - (d) the responsibilities of the holders of certificates;
 - (e) the conditions for the acceptance and for the conversion of existing aerodrome certificates issued by Member States;
 - (f) the conditions for the decision not to permit exemptions referred to in Article 4(3b) of Regulation (EC) No 216/2008, including criteria for cargo aerodromes, the notification of exempted aerodromes and for the review of granted exemptions;
 - (g) the conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety;
 - (h) certain conditions and procedures for the declaration by and for the oversight of apron management service providers referred to in paragraph 2(e) of Article 8a of Regulation (EC) No 216/2008.

Article 2

Definitions

For the purpose of this Regulation, the following definitions shall apply:

'Acceptable Means of Compliance (AMC)' are non-binding standards adopted by the Agency to illustrate means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules.

'Accelerate-stop distance available (ASDA)' means the length of the take-off run available plus the length of the stopway, if provided.

'Aerodrome' means a defined area (including any buildings, installations and equipment) on land or water or on a fixed, fixed offshore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.

'Aerodrome control service' means an air traffic control service for aerodrome traffic.

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'Aerodrome equipment' means any equipment, apparatus, appurtenance, software or accessory, that is used or intended to be used to contribute to the operation of aircraft at an aerodrome.

'Aerodrome operating minima' means the limits of usability of an aerodrome for:

1. take-off, expressed in terms of runway visual range and/or visibility and, if necessary, cloud conditions;
2. landing in precision approach and landing operations, expressed in terms of visibility and/or runway visual range and decision altitude/height (DA/H) as appropriate to the category of the operation;
3. landing in approach and landing operations with vertical guidance, expressed in terms of visibility and/or runway visual range and decision altitude/height (DA/H); and
4. landing in non-precision approach and landing operations, expressed in terms of visibility and/or runway visual range, minimum descent altitude/height (MDA/H) and, if necessary, cloud conditions.

'Aeronautical data' means a representation of aeronautical facts, concepts or instructions in a formalised manner suitable for communication, interpretation or processing.

'Aeronautical ground light' means any light specially provided as an aid to air navigation, other than a light displayed on an aircraft.

'Aeroplane' means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight.

'Aeronautical information service' means a service established within the defined area of coverage responsible for the provision of aeronautical information and data necessary for the safety, regularity, and efficiency of air navigation.

'Air navigation services' means air traffic services; communication, navigation and surveillance services; meteorological services for air navigation; and aeronautical information services.

'Air traffic services' means the various flight information services, alerting services, air traffic advisory services and air traffic control services (area, approach and aerodrome control services).

'Air traffic control service' means a service provided for the purpose of:

1. preventing collisions:
 - between aircraft, and
 - in the manoeuvring area between aircraft and obstructions; and
2. expediting and maintaining an orderly flow of air traffic.

'Aircraft' means a machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

'Aircraft stand' means a designated area on an apron intended to be used for parking an aircraft.

'Aircraft stand taxilane' means a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only.

COVER REGULATION

'Alternative means of compliance' are those that propose an alternative to an existing Acceptable Means of Compliance or those that propose new means to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules for which no associated Acceptable Means of Compliance have been adopted by the Agency.

'Alerting service' means a service provided to notify relevant organisations regarding aircraft in need of search and rescue aid, and to assist such organisations as required.

'Approach control service' means an ATC service for arriving or departing controlled flights.

'Apron' means a defined area intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance.

'Apron management service' means a service provided to manage the activities and the movement of aircraft and vehicles on an apron.

'Apron taxiway' means a portion of a taxiway system located on an apron and intended to provide a through taxi-route across the apron.

'Area control service' means an air traffic control service for controlled flights in a block of airspace;

'Audit' means a systematic, independent and documented process for obtaining evidence and evaluating it objectively to determine the extent to which requirements are complied with.

'Certification specifications' are technical standards adopted by the Agency indicating means to show compliance with the Regulation (EC) No 216/2008 and its Implementing Rules and which can be used by organisations for the purpose of certification.

'Clearway' means a defined rectangular area on the ground or water under the control of the appropriate entity, selected or prepared as a suitable area over which an aeroplane may make a portion of its initial climb to a specified height.

'Competent Authority' means the authority designated in accordance with Article 3 of this Regulation.

'Communication services' means aeronautical fixed and mobile services to enable ground-to-ground, air-to-ground and air-to-air communications for ATC purposes.

'Continuing oversight' means the tasks to be conducted to verify that the conditions under which a certificate has been granted continue to be fulfilled at any time during its period of validity, as well as the taking of any safeguard measure.

'Dangerous goods' means articles or substances which are capable of posing a risk to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Technical Instructions.

'Data quality' means a degree or level of confidence that the data provided meet the requirements of the data user in terms of accuracy, resolution and integrity.

'Declared distances' means:

- 'Take-off run available (TORA)',
- 'Take-off distance available (TODA)',
- 'Accelerate-stop distance available (ASDA)',
- 'Landing distance available (LDA)'.

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'Flight information service' shall mean a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights.

'Human factors principles' means principles which apply to aeronautical design, certification, training, operations and maintenance and which seek safe interface between the human and other system components by proper consideration to human performance.

'Human performance' means human capabilities and limitations which have an impact on the safety and efficiency of aeronautical operations.

'Inspection' means an independent documented conformity evaluation by observation and judgement accompanied as appropriate by measurement, testing or gauging, in order to verify compliance with applicable requirements.

'Instrument runway' means one of the following types of runways intended for the operation of aircraft using instrument approach procedures:

1. 'Non-precision approach runway'. An instrument runway served by visual aids and a non-visual aid providing at least directional guidance adequate for a straight-in approach.
2. 'Precision approach runway, category I'. An instrument runway served by non-visual aids and visual aids, intended for operations with a decision height not lower than 60 m (200 ft) and either a visibility not less than 800 m or a runway visual range not less than 550 m.
3. 'Precision approach runway, category II'. An instrument runway served by non-visual aids and visual aids intended for operations with a decision height lower than 60 m (200 ft) but not lower than 30 m (100 ft) and a runway visual range not less than 300 m.
4. 'Precision approach runway, category III'. An instrument runway served by non-visual aids and visual aids to and along the surface of the runway and:
 - A - intended for operations with a decision height lower than 30 m (100 ft), or no decision height and a runway visual range not less than 175 m;
 - B - intended for operations with a decision height lower than 15 m (50 ft), or no decision height and a runway visual range less than 175 m but not less than 50 m;
 - C - intended for operations with no decision height and no runway visual range limitations.

'Landing distance available (LDA)' means the length of runway which is declared available and suitable for the ground run of an aeroplane landing.

'Low visibility procedures' means procedures applied at an aerodrome for the purpose of ensuring safe operations during lower than Standard Category I, other than Standard Category II, Category II and III approaches and low visibility take-offs.

'Low visibility take-off (LVTO)' means a take-off with an RVR lower than 400 m but not less than 75 m.

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'Lower than Standard Category I operation' means a Category I instrument approach and landing operation using Category I Decision Height, with an RVR lower than would normally be associated with the applicable Decision Height but not lower than 400 m.

'Manoeuvring area' means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding aprons.

'Meteorological services' means those facilities and services that provide aircraft with meteorological forecasts, briefs and observations as well as any other meteorological information and data provided by States for aeronautical use.

'Marker' means an object displayed above ground level in order to indicate an obstacle or delineate a boundary.

'Marking' means a symbol or group of symbols displayed on the surface of the movement area in order to convey aeronautical information.

'Movement' means either a take-off or landing.

'Movement area' means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft consisting of the manoeuvring area and the apron(s).

'Navigation services' means those facilities and services that provide aircraft with positioning and timing information.

'Non-instrument runway' means a runway intended for the operation of aircraft using visual approach procedures.

'Obstacle' means all fixed (whether temporary or permanent) and mobile objects, or parts thereof, that:

- are located on an area intended for the surface movement of aircraft; or
- extend above a defined surface intended to protect aircraft in flight; or
- stand outside those defined surfaces and that have been assessed as being a hazard to air navigation.

'Other than Standard Category II operation' means a precision instrument approach and landing operation using ILS or MLS where some or all of the elements of the precision approach Category II light system are not available, and with:

- Decision Height (DH) below 200 ft but not lower than 100 ft; and
- Runway Visual Range (RVR) of not less than 350 m.

'Oversight planning cycle' means a time period where all applicable requirements are verified with audits and inspections.

'Paved runway' means a runway with a hard surface that is made up of engineered and manufactured materials bound together so it is durable and either flexible or rigid.

'Rapid exit taxiway' means a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimising runway occupancy times.

'Runway' means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft.

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'Runway visual range (RVR)' means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line.

'Safety management system' means a systematic approach to managing safety including the necessary organisational structure, accountabilities, policies and procedures.

'Sign' means:

- Fixed message sign means a sign presenting only one message;
- Variable message sign means a sign capable of presenting several predetermined messages or no message, as applicable.

'Stopway' means a defined rectangular area on the ground at the end of take-off run available prepared as a suitable area in which an aircraft can be stopped in the case of an abandoned take off.

'Take-off distance available (TODA)' means the length of the take-off run available plus the length of the clearway, if provided.

'Take-off run available (TORA)' means the length of runway declared available and suitable for the ground run of an aeroplane taking off.

'Taxiway' means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including:

- aircraft stand taxilane,
- apron taxiway,
- rapid exit taxiway.

'Technical Instructions' means the latest effective edition of the 'Technical Instructions for the Safe Transport of Dangerous Goods by Air' (Doc 9284-AN/905), including the Supplement and any Addenda, approved and published by the International Civil Aviation Organisation.

'Terms of the certificate' means the following:

- ICAO location indicator
- Conditions to operate (VRF/ IFR, day/ night)
- Runway – declared distances
- Types of approaches provided
- Aerodrome operating minima
- Aerodrome Reference Code
- Scope of aircraft operations with higher aerodrome reference code letter
- Provision of apron management services (yes/no)
- Rescue and fire-fighting level of protection
- Any other information found necessary to be included by the Competent Authority.

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'Visual aids' means indicators and signalling devices, markings, lights, signs and markers or combinations thereof.

*Article 3***Oversight capabilities**

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, aerodrome operations, as well as personnel and organisations involved therein, within the scope and applicability of Regulation (EC) No 216/2008.
2. The Competent Authority shall be independent of aerodrome operators and providers of apron management services. This independence shall be achieved through adequate separation, at functional level at least, between the Competent Authority and such organisations. Member States shall ensure that Competent Authorities exercise their powers impartially and transparently.
3. If a Member State designates more than one entity as Competent Authority:
 - (a) the areas of competence of each Competent Authority shall be clearly defined in terms of responsibilities and geographic limitation; and
 - (b) coordination shall be established between those entities to ensure effective oversight of all aerodromes and aerodrome operators, as well as providers of apron management services, subject to Regulation (EC) No 216/2008 and its Implementing Rules within their respective remits.
4. Member States shall ensure that Competent Authority(ies) has(ve) the necessary capabilities and resources to fulfil their requirements under this Regulation.
5. Member States shall ensure that Competent Authorities' personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest, in particular when relating to family or financial interest.
6. Personnel authorised by the Competent Authority to carry out certification and/or oversight tasks shall be empowered to perform at least the following tasks:
 - (a) examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;
 - (b) take copies of or extracts from such records, data, procedures and other material;
 - (c) ask for an oral explanation on site;
 - (d) enter aerodromes, relevant premises, operating sites or other areas and means of transport;

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- (e) perform audits, investigations, tests, exercises, assessments, inspections; and
 - (f) take enforcement measures as appropriate.
7. The tasks under paragraph 6 shall be carried out in compliance with the legal provisions of the relevant Member State.
 8. The Member States shall ensure that the Competent Authorities of aerodromes located near national borders coordinate their oversight activities to ensure the effective oversight and safeguarding of these aerodromes.

Article 4

Information to the Agency

Within three months after the coming into force of this Regulation the Member States shall inform the Agency of the names of the aerodromes and the aerodrome operators, as well as the number of passengers and cargo movements of the aerodromes to which the provisions of Regulation (EC) No 216/2008 and this Regulation apply.

Article 5

Exemptions in accordance with Article 4(3b) of Regulation (EC) No 216/2008

1. The Member State shall, within one month following the decision to grant an exemption in accordance with Article 4(3b) of Regulation (EC) No 216/2008, inform the Agency of the exempted aerodromes. The information to the Agency shall further include the name of the aerodrome operator and the traffic figures for the number of passengers and cargo movements of the aerodrome of the relevant year.
2. The Member State shall on an annual basis review the traffic figures of an exempted aerodrome; and if the relevant traffic figures at that aerodrome are exceeded for three consecutive years inform the Agency and revoke the exemption.
3. The Commission may at any time decide not to permit an exemption if:
 - (a) the general safety objectives of Regulation (EC) 216/2008 are not met; or
 - (b) such exemption does not comply with any other rule of Community law; or
 - (c) the relevant passenger and cargo traffic figures have been surpassed over the last three consecutive years.

In such a case the Member State concerned shall revoke the exemption.

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Article 6

Conversion of certificates

1. Aerodrome certificates issued by the Competent Authority to aerodromes and their operators, prior to the coming into force of this Regulation, shall remain valid for a maximum period of 48 months, following the coming into force of this Regulation.
2. Before the end of the period specified in paragraph (1), the Competent Authority shall issue certificates in accordance with this Regulation for such aerodromes and aerodrome operators, if:
 - (a) the certification basis has been established using the certification specifications issued by the Agency, including any cases of equivalent level of safety and special conditions which have been identified and documented; and
 - (b) the certificate holder has demonstrated compliance with the certification specifications which are different from the national requirements on which the existing certificate was issued; and
 - (c) the certificate holder has demonstrated compliance with those requirements of Regulation (EC) No 216/2008 and its Implementing Rules which are applicable to its organisation and its operation and which are different from the national requirements on which the existing certificate was issued.
3. In derogation from paragraph 2(b), the Competent Authority may decide to waive demonstration of compliance if it is found to create an undue or disproportionate effort.
4. The Competent Authority shall keep records of its conversion process.

Article 7

Deviations from Certification Specifications

1. During the certification process for the issuance of the first certificates in accordance with this Regulation and its Annexes, the Competent Authority may, until 31 December 2023, accept applications for a certificate including deviations from Certification Specifications issued by the Agency, if:
 - (a) such deviations do not qualify as an equivalent level of safety case under ADR.AR.C.020, nor qualify as a case of special condition under ADR.AR.C.025 of Annex I of this Regulation; and
 - (b) such deviations have existed prior to the entry into force of this Regulation; and
 - (c) the essential requirements in Annex Va to Regulation (EC) No 216/2008 are respected by such deviations, supplemented by mitigating measures and corrective actions as appropriate; and

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- (d) a supporting safety assessment for any such deviation has been completed.
2. The Competent Authority shall compile the evidence supporting the conditions above in a Deviation Acceptance and Action Document (DAAD). The competent authority shall specify the period of acceptance of such deviations.
 3. The conditions referred to in paragraph (1)(a), (c) and (d) above shall be reviewed and assessed by the aerodrome operator and the Competent Authority for their continued validity and justification, as appropriate. This document shall be amended as necessary.

Article 8

Safeguarding of aerodrome surroundings

1. Member States shall ensure appropriate consultations with regard to proposed constructions within the limits of the obstacle limitation and protection surfaces and other surfaces associated with the aerodrome.
2. Member States shall ensure appropriate consultations with regard to proposed constructions beyond the limits of the obstacle limitation and protection surfaces and other surfaces associated with the aerodrome and which extend above a height established by the Member State.

Article 9

Monitoring of aerodrome surroundings

Member States shall ensure appropriate consultations with regard to human activities and land use such as, but not limited to items on the following list:

1. any development or change in land use in the aerodrome area;
2. any development which may create obstacle-induced turbulence;
3. the use of hazardous, confusing and misleading lights;
4. the use of highly reflective surfaces which may cause dazzling;
5. the creation of areas that might encourage wildlife activity;
6. sources of non-visible radiation or the presence of moving or fixed objects which may interfere with, or adversely affect, the performance of aeronautical communications, navigation and surveillance systems.

COVER REGULATION

Article 10

Wildlife hazard management

1. Member States shall ensure that wildlife strike hazards are assessed through:
 - (a) the establishment of a national procedure for recording and reporting wildlife strikes to aircraft;
 - (b) the collection of information from aircraft operators, aerodrome personnel and other sources on the presence of wildlife constituting a potential hazard to aircraft operations; and;
 - (c) an ongoing evaluation of the wildlife hazard by competent personnel.
2. Member States shall ensure that wildlife strike reports are collected and forwarded to ICAO for inclusion in the ICAO Bird Strike Information System (IBIS) database.

Article 11

Local community emergency plan

Member States shall ensure that a local community plan for aviation emergency situations in the aerodrome local area is established.

Article 12

Entry into force

1. This Regulation shall enter into force on the twentieth day following its publication in the *Official Journal of the European Union*.
2. Articles ADR.AR.C.050 and ADR.OR.B.060 contained in Annex I and II to this Regulation, as well as Appendix II to Annex II, shall become applicable when the Implementing Rules regarding the provision of apron management services are in force. Articles ADR.AR.A.015 and ADR.OR.A.015 shall not apply for providers of apron management services until the Implementing Rules regarding the provision of apron management services are in force. .
3. This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, [...]

For the Commission
The President
[...]

ANNEX I – Part-AR

SUBPART A – GENERAL REQUIREMENTS (ADR.AR.A)

ANNEX I

Part Authority Requirements - Aerodromes (Part ADR.AR)

SUBPART A - GENERAL REQUIREMENTS (ADR.AR.A)

ADR.AR.A.001 Scope

This Annex establishes requirements for the Competent Authorities involved in the certification and oversight of aerodromes, aerodrome operators and apron management service providers.

ADR.AR.A.005 Competent Authority

The Competent Authority designated by the Member State in which an aerodrome is located shall:

- (a) certify and oversee the aerodrome and its aerodrome operator;
- (b) oversee providers of apron management services.

ADR.AR.A.010 Oversight documentation

- (a) The Competent Authority shall provide the relevant legislative acts, standards, rules, technical publications and related documents to its relevant personnel in order to perform their tasks and to discharge their responsibilities.
- (b) The Competent Authority shall make available legislative acts, standards, rules, technical publications and related documents to aerodrome operators and other interested parties to facilitate their compliance with the applicable requirements.

ADR.AR.A.015 Means of compliance

- (a) The Agency shall develop Acceptable Means of Compliance (AMC) that may be used to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules. When the Acceptable Means of Compliance are complied with, the related requirements of the Implementing Rules are met.
- (b) Alternative means of compliance may be used to establish compliance with the Implementing Rules.
- (c) The Competent Authority shall establish a system to consistently evaluate that the alternative means of compliance used by itself or by aerodrome operators or providers of apron management services under its oversight provide for compliance with Regulation (EC) No 216/2008 and its Implementing Rules.
- (d) The Competent Authority shall evaluate the alternative means of compliance proposed by an aerodrome operator or a provider of apron management services, in accordance with ADR.AR.A.015, by analysing the documentation provided and, if considered necessary,

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SUBPART A – GENERAL REQUIREMENTS (ADR.AR.A)

conducting an inspection of the aerodrome operator, the aerodrome or the provider of apron management services.

When the Competent Authority finds that the alternative means of compliance proposed by the aerodrome operator or the provider of apron management services are in accordance with the Implementing Rules, it shall without undue delay:

- (1) notify the applicant that the alternative means of compliance may be implemented and, if applicable, amend the certificate or approval of the applicant accordingly;
 - (2) inform the Agency of their content, including copies of the relevant documentation;
 - (3) inform other Member States about alternative means of compliance that were accepted;
 - (4) inform the other certified aerodromes located in the Member State of the Competent Authority, as appropriate.
- (e) When the Competent Authority itself uses alternative means of compliance to achieve compliance with Regulation (EC) No 216/2008 and its Implementing Rules, it shall:
- (1) make them available to aerodrome operators and providers of apron management services under its oversight; and
 - (2) without undue delay notify the Agency.

The Competent Authority shall provide the Agency with a full description of the alternative means of compliance, including any revisions to procedures that may be relevant, as well as an assessment demonstrating that the Implementing Rules are met.

ADR.AR.A.025 Information to the Agency

- (a) The Competent Authority shall without undue delay notify the Agency in case of any significant problems with the implementation of Regulation (EC) No 216/2008 and its Implementing Rules.
- (b) The Competent Authority shall provide the Agency with safety-significant information stemming from the occurrence reports it has received.

ADR.AR.A.030 Immediate reaction to a safety problem

- (a) Without prejudice to Directive 2003/42/EC³, the Competent Authority shall implement a system to appropriately collect, analyse and disseminate safety information.
- (b) The Agency shall implement a system to appropriately analyse any relevant safety information received and without undue delay provide to Member States and the Commission any information, including recommendations or corrective actions to be taken, necessary for them to react in a timely manner to a safety problem involving aerodromes, aerodrome operators and providers of apron management services subject to Regulation (EC) No 216/2008 and its Implementing Rules.

³ Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation (OJ L 167, 4.7.2003, p. 23).

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SUBPART A – GENERAL REQUIREMENTS (ADR.AR.A)

- (c) Upon receiving the information referred to in (a) and (b), the Competent Authority shall take adequate measures to address the safety problem, including the issuing of safety directives in accordance with ADR.AR.A.040.
- (d) Measures taken under (c) shall immediately be notified to the aerodrome operators or providers of apron management services which need to comply with them under Regulation (EC) No 216/2008 and its Implementing Rules. The Competent Authority shall also notify those measures to the Agency and, when combined action is required, the other Member States concerned.

ADR.AR.A.040 Safety directives

- (a) The Competent Authority shall issue a safety directive if it has determined the existence of an unsafe condition requiring immediate action, including the showing of compliance with any amended or additional Certification Specification established by the Agency, which the Competent Authority finds is necessary.
- (b) A safety directive shall be forwarded to the aerodrome operators or providers of apron management services concerned, as appropriate, and shall contain, as a minimum, the following information:
 - (1) the identification of the unsafe condition;
 - (2) the identification of the affected design, equipment, or operation;
 - (3) the actions required and their rationale, including the amended or additional certification specifications that have to be complied with;
 - (4) the time limit for compliance with the required actions; and
 - (5) its date of entry into force.
- (c) The Competent Authority shall forward a copy of the safety directive to the Agency.
- (d) The Competent Authority shall verify the compliance of aerodrome operators and providers of apron management services with the applicable safety directives.

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SUBPART B – MANAGEMENT (ADR.AR.B)

SUBPART B - MANAGEMENT (ADR.AR.B)

ADR.AR.B.005 Management system

- (a) The Competent Authority shall establish and maintain a management system, including as a minimum:
 - (1) documented policies and procedures to describe its organisation, means and methods to achieve compliance with Regulation (EC) No 216/2008 and its Implementing Rules. The procedures shall be kept up-to-date and serve as the basic working documents within that Competent Authority for all related tasks;
 - (2) a sufficient number of personnel, including aerodrome inspectors, to perform its tasks and discharge its responsibilities. Such personnel shall be qualified to perform their allocated tasks and have the necessary knowledge, experience, initial, on-the-job and recurrent training to ensure continuing competence. A system shall be in place to plan the availability of personnel, in order to ensure the proper completion of all related tasks;
 - (3) adequate facilities and office accommodation to perform the allocated tasks;
 - (4) a formal process to monitor compliance of the management system with the relevant requirements and adequacy of the procedures, including the establishment of an internal audit process and a safety risk management process.
- (b) The Competent Authority shall, for each field of activity included in the management system, appoint one or more persons with the overall responsibility for the management of the relevant task(s).
- (c) The Competent Authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance of other competent authorities concerned.

ADR.AR.B.010 Allocation of tasks to qualified entities

- (a) Tasks related to the initial certification or continuing oversight of persons or organisations subject to Regulation (EC) No 216/2008 and its Implementing Rules shall be allocated by Member States only to qualified entities. When allocating tasks, the competent authority shall ensure that it has:
 - (1) a system in place to initially and continuously assess that the qualified entity complies with Annex V to Regulation (EC) No 216/2008.
This system and the results of the assessments shall be documented.
 - (2) established a documented agreement with the qualified entity, approved by both parties at the appropriate management level, which clearly defines:
 - (i) the tasks to be performed;
 - (ii) the declarations, reports and records to be provided;
 - (iii) the technical conditions to be met in performing such tasks;

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SUBPART B – MANAGEMENT (ADR.AR.B)

- (iv) the related liability coverage; and
 - (v) the protection given to information acquired in carrying out such tasks.
- (b) The Competent Authority shall ensure that the internal audit process and safety risk management process required by ADR.AR.B.005(a)(4) covers all certification or continuing oversight tasks performed on its behalf.

ADR.AR.B.015 Changes to the management system

- (a) The Competent Authority shall have a system in place to identify changes that affect its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EC) No 216/2008 and its Implementing Rules. This system shall enable it to take action, as appropriate, to ensure that the management system remains adequate and effective.
- (b) The Competent Authority shall update its management system to reflect any change to Regulation (EC) No 216/2008 and its Implementing Rules in a timely manner, so as to ensure effective implementation.
- (c) The Competent Authority shall notify the Agency of changes affecting its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EC) No 216/2008 and its Implementing Rules.

ADR.AR.B.020 Record-keeping

- (a) The Competent Authority shall establish a system of record-keeping providing for adequate storage, accessibility and reliable traceability of:
 - (1) the management system's documented policies and procedures;
 - (2) training, qualification and authorisation of its personnel;
 - (3) the allocation of tasks to qualified entities, covering the elements required by ADR.AR.B.010, as well as the details of tasks allocated;
 - (4) certification process and continuing oversight of aerodromes and aerodrome operators;
 - (5) declaration process and continuing oversight of providers of apron management services;
 - (6) the documentation regarding cases of equivalent level of safety and special conditions contained in the certification basis, as well as any Deviation Acceptance and Action Document (DAAD);
 - (7) the evaluation and notification to the Agency of alternative means of compliance proposed by aerodrome operators and providers of apron management services and the assessment of alternative means of compliance used by the Competent Authority itself;
 - (8) findings, corrective actions and date of action closure;
 - (9) enforcement measures taken;

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SUBPART B – MANAGEMENT (ADR.AR.B)

- (10) safety information and follow-up measures; and
 - (11) the use of flexibility provisions in accordance with Article 14 of Regulation (EC) No 216/2008.
- (b) The Competent Authority shall maintain a list of all certificates it issued and declarations it received.
 - (c) Records related to the certification of an aerodrome and an aerodrome operator, or the declaration of a provider of apron management services shall be kept for the lifespan of the certificate or declaration;
 - (d) Records relating to (a)(1) to (a)(3) and (a)(7) to (a)(11) shall be kept for a minimum period of five years, subject to applicable data protection law.

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SUBPART C – OVERSIGHT, CERTIFICATION AND ENFORCEMENT (ADR.AR.C)

SUBPART C - OVERSIGHT, CERTIFICATION AND ENFORCEMENT (ADR.AR.C)

ADR.AR.C.005 Oversight

- (a) The Competent Authority shall verify:
 - (1) compliance with the certification basis and all requirements applicable to aerodromes and aerodrome operators prior to the issue of an approval or certificate;
 - (2) continued compliance, with the certification basis and applicable requirements, of aerodromes and aerodrome operators or providers of apron management service subject to declaration obligation; and
 - (3) implementation of appropriate safety measures as defined in ADR.AR.A.030(c) and (d).
- (b) This verification shall:
 - (1) be supported by documentation specifically intended to provide personnel responsible for safety oversight with guidance to perform their functions;
 - (2) provide the aerodrome operators and providers of apron management services concerned with the results of safety oversight activity;
 - (3) be based on audits and inspections, including unannounced inspections, where appropriate; and
 - (4) provide the competent authority with the evidence needed in case further action is required, including the measures foreseen by ADR.AR.C.055.
- (c) The scope of oversight shall take into account the results of past oversight activities and the safety priorities identified.
- (d) The Competent Authority shall collect and process any information deemed useful for oversight, including unannounced inspections, as appropriate.

ADR.AR.C.010 Oversight programme

- (a) The Competent Authority shall for each aerodrome operator and provider of apron management services declaring their activity to the Competent Authority:
 - (1) establish and maintain an oversight programme covering the oversight activities required by ADR.AR.C.005;
 - (2) apply an appropriate oversight planning cycle, not exceeding 48 months.
- (b) The oversight programme shall include within each oversight planning cycle, audits and inspections, including unannounced inspections, as appropriate.
- (c) The oversight programme and planning cycle shall reflect the safety performance of the aerodrome operator and risk exposure of the aerodrome.

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SUBPART C – OVERSIGHT, CERTIFICATION AND ENFORCEMENT (ADR.AR.C)

- (d) The oversight programme shall include records of the dates when audits and inspections are due and when audits and inspections have been carried out.

ADR.AR.C.015 Initiation of certification process

- (a) Upon receiving an application for the initial issuance of a certificate, the Competent Authority shall assess the application and shall verify compliance with the applicable requirements. The Competent Authority shall establish and notify the applicant of the certification basis in accordance with ADR.AR.C.020.
- (b) In case of an existing aerodrome, the Competent Authority shall prescribe the conditions under which the aerodrome operator shall operate during the certification period, unless the competent authority determines that the operation of the aerodrome needs to be suspended. The Competent Authority shall inform the aerodrome operator of the expected schedule for the certification process and conclude the certification within the shortest time period practicable.

ADR.AR.C.020 Certification basis

The certification basis is to be notified to an applicant by the Competent Authority and shall consist of:

- (a) the applicable certification specifications issued by the Agency, related to the type and operation of the aerodrome and which are effective on the date of application for that certificate, unless:
 - (1) the applicant elects compliance with later effective amendments; or
 - (2) the Competent Authority finds that compliance with such later effective amendments is necessary;
- (b) any provision for which an equivalent level of safety has been accepted by the Competent Authority;
- (c) any special condition in accordance with ADR.AR.C.025.

ADR.AR.C.025 Special conditions

- (a) The Competent Authority shall prescribe special detailed technical specifications, named special conditions, for an aerodrome, if the related certification specifications issued by the Agency referred to in Article ADR.AR.C.020(a) are inadequate or inappropriate, to ensure compliance with the essential requirements of Annex Va to Regulation (EC) No 216/2008, because:
 - (1) the certification specifications cannot be met due to physical, topographical or similar limitations related to the location of the aerodrome;
 - (2) the aerodrome has novel or unusual design features; or
 - (3) experience from the operation of that aerodrome or other aerodromes having similar design features, has shown that safety may be endangered.
- (b) The special conditions shall contain such technical specifications, including limitations or procedures to be complied with, as the competent authority finds necessary to ensure

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SUBPART C – OVERSIGHT, CERTIFICATION AND ENFORCEMENT (ADR.AR.C)

compliance with the essential requirements set out in Annex Va to Regulation (EC) No 216/2008.

ADR.AR.C.035 Issuance of certificate

- (a) The competent authority may require any inspection, test, safety assessment, or exercise it finds necessary before issuing the certificate.
- (b) The competent authority shall issue either:
 - (1) a single aerodrome certificate; or
 - (2) two separate certificates, one for the aerodrome and one for the aerodrome operator.
- (c) The competent authority shall issue the certificate(s) prescribed in paragraph (b) when the aerodrome operator has demonstrated to the satisfaction of the competent authority compliance with ADR.OR.B.025 and ADR.OR.E.005.
- (d) The certificate shall be considered to include the aerodrome's certification basis, the aerodrome manual, and, if relevant, any other operating conditions or limitations prescribed by the competent authority and any Deviation Acceptance and Action Documents (DAAD).
- (e) The certificate shall be issued for an unlimited duration. The privileges of the activities that the aerodrome operator is approved to conduct shall be specified in the terms of the certificate attached to it.
- (f) Findings, other than level 1 and which have not been closed prior to the date of certification, shall be safety assessed and mitigated as necessary and a corrective action plan for the closing of the finding shall be approved by the competent authority.
- (g) To enable an aerodrome operator to implement changes without prior approval of the Competent Authority in accordance with ADR.OR.B.040(d), the Competent Authority shall approve a procedure defining the scope of such changes and describing how such changes will be managed and notified.

ADR.AR.C.040 Changes

- (a) Upon receiving an application for a change, in accordance with ADR.OR.B.40, that requires prior approval, the Competent Authority shall assess the application and, if relevant, notify the aerodrome operator of:
 - (1) the applicable certification specifications issued by the Agency, which are applicable to the proposed change and which are effective on the date of the application, unless:
 - (i) the applicant elects compliance with later effective amendments; or
 - (ii) the competent authority finds that compliance with such later effective amendments is necessary;
 - (2) any other certification specification issued by the Agency that the competent authority finds is directly related to the proposed change;

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SUBPART C – OVERSIGHT, CERTIFICATION AND ENFORCEMENT (ADR.AR.C)

- (3) any special condition, and amendment to special conditions, prescribed by the competent authority in accordance with Article ADR.AR.C.025, the Competent Authority finds is necessary;
- (4) the amended certification basis, if affected by the proposed change.
- (b) The competent authority shall approve the change when the aerodrome operator has demonstrated, to the satisfaction of the Competent Authority, compliance with the requirements in ADR.OR.B.040 and, if applicable, with ADR.OR.E.005.
- (c) If the approved change affects the terms of the certificate, the Competent Authority shall amend them.
- (d) The Competent Authority shall approve any conditions under which the aerodrome operator shall operate during the change.
- (e) Without prejudice to any additional enforcement measures, when the aerodrome operator implements changes requiring prior approval without having received competent authority approval as defined in (a), the competent authority shall consider the need to suspend, limit or revoke the certificate.
- (f) For changes not requiring prior approval, the competent authority shall assess the information provided in the notification sent by the aerodrome operator in accordance with ADR.OR.B.040 (d) to verify their appropriate management and verify their compliance with the certification specifications and other appropriate requirements applicable to the change. In case of any non-compliance, the competent authority shall:
 - (1) notify the aerodrome operator about the non-compliance and request further changes; and
 - (2) in case of level 1 or level 2 findings, act in accordance with Article ADR.AR.C.055.

ADR.AR.C.050 Declarations of providers of apron management services

- (a) Upon receiving a declaration from a provider of apron management services intending to provide such services at an aerodrome, the competent authority shall verify that the declaration contains all the information required by Part-ADR.OR and shall acknowledge receipt of the declaration to that organisation.
- (b) If the declaration does not contain the required information, or contains information that indicates non-compliance with applicable requirements, the Competent Authority shall notify the provider of apron management services and the aerodrome operator about the non-compliance and request further information. If necessary, the Competent Authority shall carry out an inspection of the provider of apron management services and the aerodrome operator. If the non-compliance is confirmed, the Competent Authority shall take action as defined in ADR.AR.C.055.
- (c) The Competent Authority shall keep a register of the declarations of providers of apron management services under its oversight.

ADR.AR.C.055 Findings, observations, corrective actions and enforcement measures

ANNEX I – Part-AR

SUBPART C – OVERSIGHT, CERTIFICATION AND ENFORCEMENT (ADR.AR.C)

- (a) The Competent Authority for oversight in accordance with ADR.AR.C.005 (a) shall have a system to analyse findings for their safety significance.
- (b) A level 1 finding shall be issued by the Competent Authority when any significant non-compliance is detected with the certification basis of the aerodrome, the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, with the aerodrome operators or the providers of apron management services procedures and manuals, with the terms of the certificate or certificate or with the content of a declaration which lowers safety or seriously endangers safety.

The level 1 finding shall include:

- (1) failure to give the competent authority access to the aerodrome and aerodrome operators or providers of apron management services facilities as defined in ADR.OR.C.015 during normal operating hours and after two written requests;
 - (2) obtaining or maintaining the validity of a certificate by falsification of submitted documentary evidence;
 - (3) evidence of malpractice or fraudulent use of a certificate; and
 - (4) the lack of an accountable manager.
- (c) A level 2 finding shall be issued by the Competent Authority when any non-compliance is detected with the certification basis of the aerodrome, the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, with the aerodrome operators or the providers of apron management services procedures and manuals, with the terms of the certificate or the certificate or with the content of a declaration which could lower or possibly hazard safety.
 - (d) When a finding is detected, during oversight or by any other means, the Competent Authority shall, without prejudice to any additional action required by Regulation (EC) No 216/2008 and its Implementing Rules, communicate the finding to the aerodrome operator or the provider of apron management services in writing and request corrective action to address the non-compliance(s) identified.
 - (1) In the case of level 1 findings, the Competent Authority shall take immediate and appropriate action to prohibit or limit activities, and if appropriate, it shall take action to revoke the certificate or to de-register the declaration, or to limit or suspend the certificate or declaration in whole or in part, depending upon the extent of the finding, until successful corrective action has been taken by the aerodrome operator or by the provider of apron management services.
 - (2) In the case of level 2 findings, the Competent Authority shall:
 - (i) grant the aerodrome operator or the provider of apron management services a corrective action implementation period included in an action plan appropriate to the nature of the finding; and
 - (ii) assess the corrective action and implementation plan proposed by the aerodrome operator or the provider of apron management services and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.
 - (3) Where the aerodrome operator or the provider of apron management services fails to submit an acceptable corrective action plan, or to perform the corrective action

ANNEX I – Part-AR

SUBPART C – OVERSIGHT, CERTIFICATION AND ENFORCEMENT (ADR.AR.C)

within the time period accepted or extended by the Competent Authority, the finding shall be raised to a level 1 finding, and action taken as laid down in (d)(1).

- (4) The Competent Authority shall record all findings it has raised and where applicable, the enforcement measures it has applied, as well as all corrective actions and date of action closure for findings
- (e) For those cases not requiring level 1 or level 2 findings, the Competent Authority may issue observations.

ANNEX II – Part-OR

SUBPART A – GENERAL REQUIREMENTS
(ADR.OR.A)

ANNEX II

Part Organisation Requirements - Aerodrome Operators (Part-ADR.OR)

SUBPART A - GENERAL REQUIREMENTS (ADR.OR.A)

ADR.OR.A.005 Scope

This Annex establishes the requirements to be followed by:

- (a) an aerodrome operator subject to Regulation (EC) No 216/2008 with respect to its certification, management, manuals and other responsibilities;
- (b) a provider of apron management services.

ADR.OR.A.010 Competent Authority

For the purpose of this Part, the Competent Authority shall be the one designated by the Member State where the aerodrome is located.

ADR.OR.A.015 Means of compliance

- (a) Alternative means of compliance to those adopted by the Agency may be used by an aerodrome operator or an apron management service provider to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules.
- (b) When an aerodrome operator or an apron management service provider wishes to use an alternative means of compliance to the Acceptable Means of Compliance (AMC) adopted by the Agency to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules, it shall, prior to implementing it, provide the competent authority with a full description of the alternative means of compliance. The description shall include any revisions to manuals or procedures that may be relevant, as well as an assessment demonstrating that the Implementing Rules are met.

The aerodrome operator or the provider of apron management services may implement these alternative means of compliance subject to prior approval by the competent authority and upon receipt of the notification, as prescribed in ADR.AR.A.015(d).

- (c) Where apron management services are not provided by the aerodrome operator itself, the use of alternative means of compliance by providers of such services in accordance with (a) and (b), shall also require prior agreement by the operator of the aerodrome where such services are provided.

ANNEX II – Part-OR

SUBPART B – CERTIFICATION (ADR.OR.B)

SUBPART B - CERTIFICATION (ADR.OR.B)

ADR.OR.B.005 Certification obligations of aerodromes and aerodrome operators

Prior to commencing the operation of an aerodrome or when an exemption in accordance with Article 5 of this Regulation has been revoked, the aerodrome operator shall obtain the applicable certificate(s) issued by the Competent Authority.

ADR.OR.B.015 Application for a certificate

- (a) The application for a certificate shall be made in a form and manner established by the Competent Authority.
- (b) An applicant shall provide to the Competent Authority the following:
 - (1) its official name and business name, address, and mailing address;
 - (2) information and data regarding:
 - (i) the location of the aerodrome;
 - (ii) the type of operations at the aerodrome; and
 - (iii) the design and facilities of the aerodrome;
 - (3) the proposed applicable certification specifications;
 - (4) documentation demonstrating how it will comply with the applicable requirements established in Regulation (EC) No 216/2008 and its Implementing Rules. Such documentation shall include a procedure, contained in the aerodrome manual, describing how changes not requiring prior approval will be managed and notified to the Competent Authority; subsequent changes to this procedure shall require prior approval by the competent authority;
 - (5) evidence of adequacy of resources to operate the aerodrome in accordance with the applicable requirements;
 - (6) documented evidence showing the relationship of the applicant with the aerodrome owner and/or the land owner;
 - (7) the name of and relevant information about the accountable manager and the other nominated persons required by ADR.OR.D.005 and ADR.OR.D.015; and
 - (8) a copy of the aerodrome manual required by ADR.OR.E.005.
- (c) If acceptable to the Competent Authority, information under subparagraphs (7) and (8) may be provided at a later stage determined by the competent authority, but prior to the issuance of the certificate.

ADR.OR.B.025 Demonstration of compliance

- (a) An aerodrome operator shall:

ANNEX II – Part-OR

SUBPART B – CERTIFICATION (ADR.OR.B)

- (1) perform and document all actions, inspections, tests, safety assessments or exercises necessary, and shall demonstrate to the competent authority:
 - (i) compliance with the notified certification basis, the certification specifications applicable to a change, any safety directive, as appropriate, and the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules;
 - (ii) that the aerodrome, as well as its obstacle limitation and protection surfaces and other areas associated with the aerodrome, have no features or characteristics making it unsafe for operation; and
 - (iii) that the flight procedures of the aerodrome have been approved.
 - (2) provide to the competent authority the means by which compliance has been demonstrated; and
 - (3) declare to the competent authority its compliance with (a)(1).
- (b) Relevant design information, including drawings, , inspection, test and other relevant reports , shall be held and kept by the aerodrome operator at the disposal of the competent authority, in accordance with the provisions of ADR.OR.D.035 and provided on request to the competent authority.

ADR.OR.B.030 Terms of the certificate and privileges of the certificate holder

An aerodrome operator shall comply with the scope and privileges defined in the terms of the certificate attached to it.

ADR.OR.B.035 Continued validity of a certificate

- (a) A certificate shall remain valid subject to:
 - (1) the aerodrome operator remaining in compliance with the relevant requirements of Regulation (EC) No 216/2008, and its Implementing Rules, and the aerodrome remaining in compliance with the certification basis, taking into account the provisions related to the handling of findings as specified under ADR.OR.C.020;
 - (2) the competent authority being granted access to the aerodrome operator's organisation as defined in ADR.OR.C.015 to determine continued compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules; and
 - (3) the certificate not being surrendered or revoked.
- (b) Upon revocation or surrender, the certificate shall be returned to the competent authority without delay.

ADR.OR.B.037 Continued validity of a declaration of a provider of apron management services

A declaration made by a provider of apron management services in accordance with ADR.OR.B.060 shall remain valid subject to:

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SUBPART B – CERTIFICATION (ADR.OR.B)

- (a) the provider of apron management services and the related facilities remaining in compliance with the relevant requirements of Regulation (EC) No 216/2008, and its Implementing Rules, taking into account the provisions related to the handling of findings as specified under ADR.OR.C.020;
- (b) the competent authority being granted access to the apron management services provider's organisation as defined in ADR.OR.C.015 to determine continued compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules; and
- (c) the declaration not being withdrawn by the provider of such services or deregistered by the competent authority.

ADR.OR.B.040 Changes

- (a) Any change affecting:
 - (1) the terms of the certificate, its certification basis and aerodrome equipment; or
 - (2) significantly elements of the aerodrome operator's management system as required in ADR.OR.D.005 (b);
 shall require prior approval by the competent authority.
- (b) For other changes requiring prior approval in accordance with Regulation (EC) No 216/2008 and its Implementing Rules, the aerodrome operator shall apply for and obtain an approval issued by the competent authority.
- (c) The application for a change in accordance with paragraph (a) or (b) shall be submitted before any such change takes place, in order to enable the competent authority to determine continued compliance with Regulation (EC) No 216/2008 and its Implementing Rules and to amend, if necessary, the certificate and related terms of the certificate attached to it.

The change shall only be implemented upon receipt of formal approval by the competent authority in accordance with ADR.AR.C.040.

During the changes, the aerodrome operator shall operate under the conditions approved by the competent authority.
- (d) Changes not requiring prior approval shall be managed and notified to the competent authority as defined in the procedure approved by the Competent Authority in accordance with ADR.AR.C.035(g).
- (e) The aerodrome operator shall provide the competent authority with the relevant documentation in accordance with paragraph (f) and ADR.OR.E.005.
- (f) As part of its management system as defined in ADR.OR.D.005, an aerodrome operator proposing a change to the aerodrome, its operation, its organisation or its management system, shall:
 - (1) determine the interdependencies with any affected parties, plan and conduct a safety assessment in coordination with these organisations;
 - (2) align assumptions and mitigations with any affected parties, in a systematic way;

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SUBPART B – CERTIFICATION (ADR.OR.B)

- (3) ensure that the scope of the assessment of the change comprises the whole aerodrome system including its interactions; and
- (4) ensure that complete and valid arguments, evidence and safety criteria are established and documented to support the safety assessment; and that the change supports the improvement of safety whenever reasonably practicable.

ADR.OR.B.050 Continuing compliance with the Agency’s certification specifications

An aerodrome operator, following an amendment of the certification specifications established by the Agency, shall:

- (a) perform a review to identify any certification specifications which are applicable to the aerodrome; and
- (b) if relevant, initiate a change process in accordance with ADR.OR.B.040 and implement the necessary changes at the aerodrome.

ADR.OR.B.060 Declaration of providers of apron management services

(a) In Member States where providers of apron management services are allowed to declare their capability and means of discharging the responsibilities associated with the provision of apron management services, the provider of apron management services, following an agreement with an aerodrome operator for the provision of such services at an aerodrome, shall:

- (1) provide the competent authority with all relevant information and declare its compliance with all applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, using a form established by the Competent Authority;
- (2) provide the competent authority with a list of the alternative means of compliance used, in accordance with ADR.OR.A.015(b);
- (3) maintain compliance with the applicable requirements and with the information given in the declaration;
- (4) notify the competent authority of any changes to its declaration or the means of compliance it uses through submission of an amended declaration; and
- (5) provide its services in accordance with the aerodrome manual and comply with all relevant provisions contained therein.

(b) Before ceasing the provision of such services, the provider of apron management services shall notify the competent authority and the aerodrome operator.

ADR.OR.B.065 Termination of operation

An operator intending to terminate the operation of an aerodrome shall:

- (a) notify the competent authority as soon as possible;
- (b) provide such information to the appropriate Aeronautical Information Service provider;

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SUBPART B – CERTIFICATION (ADR.OR.B)

- (c) surrender the certificate to the competent authority upon the date of termination of operation; and
- (d) ensure that appropriate measures have been taken to avoid the unintended use of the aerodrome by aircraft, unless the competent authority has approved the use of the aerodrome for other purposes.

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SUBPART C — ADDITIONAL OPERATOR
RESPONSIBILITIES (ADR.OR.C)

SUBPART C - ADDITIONAL AERODROME OPERATOR RESPONSIBILITIES (ADR.OR.C)

ADR.OR.C.005 Aerodrome operator responsibilities

- (a) The aerodrome operator is responsible for the operation and maintenance of the aerodrome in accordance with:
 - (1) Regulation (EC) No 216/2008 and its Implementing Rules;
 - (2) the terms of its certificate;
 - (3) the content of the aerodrome manual; and
 - (4) any other manual for the aerodrome equipment available at the aerodrome, as applicable.
- (b) The aerodrome operator shall ensure:
 - (1) the provision of air navigation services appropriate to the level of traffic and the operating conditions at the aerodrome; and
 - (2) the design and maintenance of the flight procedures, in accordance with the applicable requirements;directly or through formal arrangements with organisations providing such services.
- (c) An aerodrome operator shall coordinate with the competent authority to ensure that relevant information for the safety of aircraft is published, and is contained in the aerodrome manual, including where appropriate:
 - (1) exemptions or derogations granted from the applicable requirements;
 - (2) provisions for which an equivalent level of safety was accepted by the competent authority as part of the certification basis; and
 - (3) special conditions and limitations with regard to the use of the aerodrome.
- (d) If an unsafe condition develops at the aerodrome, the aerodrome operator shall, without undue delay, take all necessary measures to ensure that those parts of the aerodrome found to endanger safety are not used by aircraft.

ADR.OR.C.015 Access

For the purpose of determining compliance with the relevant requirements of Regulation (EC) No 216/2008 and its Implementing Rules, an aerodrome operator or provider of apron management services shall grant access to any person authorised by the competent authority, to:

- (a) any facility, document, records, data, procedures or any other material relevant to its activity subject to certification or declaration, whether it is contracted or not;

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SUBPART C — ADDITIONAL OPERATOR
RESPONSIBILITIES (ADR.OR.C)

- (b) perform or witness any action, inspection, test, assessment or exercise the competent authority finds is necessary.

ADR.OR.C.020 Findings and corrective actions

After receipt of notification of findings, the aerodrome operator or the provider of apron management services shall:

- (a) identify the root cause of the non-compliance;
- (b) define a corrective action plan; and
- (c) demonstrate the corrective action implementation to the satisfaction of the competent authority within the period agreed with that authority as defined in ADR.AR.C.055(d).

ADR.OR.C.025 Immediate reaction to a safety problem — compliance with safety directives

An aerodrome operator or provider of apron management services shall implement any safety measures, including safety directives, mandated by the competent authority in accordance with ADR.AR.A.030(c) and ADR.AR.A.040.

ADR.OR.C.030 Occurrence reporting

- (a) The aerodrome operator and the provider of apron management services shall report to the competent authority, and to any other organisation required by the State where the aerodrome is located, any accident, serious incident and occurrence as defined in Regulation (EU) No 996/2010⁴ and Directive 2003/42/EC⁵.
- (b) Without prejudice to paragraph (a) the operator shall report to the competent authority and to the organisation responsible for the design of aerodrome equipment any malfunction, technical defect, exceeding of technical limitations, occurrence or other irregular circumstance that has or may have endangered safety and that has not resulted in an accident or serious incident.
- (c) Without prejudice to Regulation (EU) No 996/2010 and Directive 2003/42/EC, the reports referred to in paragraphs (a) and (b) shall be made in a form and manner established by the competent authority and contain all pertinent information about the condition known to the aerodrome operator or the provider of apron management services.
- (d) Reports shall be made as soon as practicable, but in any case within 72 hours of the aerodrome operator or the provider of the apron management services identifying the condition to which the report relates, unless exceptional circumstances prevent this.

⁴ Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (OJ L 295, 12.11.2010, p. 35).

⁵ Directive 2003/42/EC of the European Parliament and of the Council of 13 June 2003 on occurrence reporting in civil aviation (OJ L 167, 4.7.2003, p. 23).

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SUBPART C — ADDITIONAL OPERATOR
RESPONSIBILITIES (ADR.OR.C)

- (e) Where relevant, the aerodrome operator or the provider of apron management services shall produce a follow-up report to provide details of actions it intends to take to prevent similar occurrences in the future, as soon as these actions have been identified. This report shall be produced in a form and manner established by the competent authority.

ADR.OR.C.040 Prevention of fire

An aerodrome operator shall establish and implement procedures to ensure that no person:

- (a) smokes within the movement area, other operational areas of the aerodrome, or areas of the aerodrome where fuel or other flammable material are stored;
- (b) displays an open flame or undertakes an activity, that would create a fire hazard within:
- (1) areas of the aerodrome where fuel or other flammable material are stored;
 - (2) the movement area or other operational areas of the aerodrome, unless authorised by the aerodrome operator.

ADR.OR.C.045 Use of alcohol, psychoactive substances and medicines

- (a) An aerodrome operator shall establish and promulgate a policy stating the requirements on consumption of alcohol, psychoactive substances and medicines by:
- (1) personnel involved in the operation, rescue and firefighting, maintenance and management of the aerodrome; and
 - (2) unescorted persons operating on the movement area or other operational areas of the aerodrome.
- (b) This policy shall include the requirements that such persons shall:
- (1) not consume alcohol during their duty period; and
 - (2) not perform any duties under the influence:
 - (i) of alcohol, or any psychoactive substance; or
 - (ii) any medicine that may have an effect on his/her abilities in a manner contrary to safety.

SUBPART D - MANAGEMENT (ADR.OR.D)

ADR.OR.D.005 Management system

- (a) The aerodrome operator shall implement and maintain a management system that includes a safety management system.
- (b) The management system shall include:
 - (1) clearly defined lines of responsibility and accountability throughout the aerodrome operator, including a direct accountability for safety on the part of senior management;
 - (2) a description of the overall philosophies and principles of the aerodrome operator with regard to safety, referred to as the safety policy, signed by the accountable manager;
 - (3) a formal process that ensures that hazards in operations are identified;
 - (4) a formal process that ensures analysis, assessment and mitigation of the safety risks in aerodrome operations;
 - (5) the means to verify the safety performance of the aerodrome operator's organisation in reference to the safety performance indicators and safety performance targets of the safety management system, and to validate the effectiveness of safety risk controls;
 - (6) a formal process to:
 - (i) identify changes within the aerodrome operator's organisation, management system, the aerodrome or its operation which may affect established processes, procedures and services;
 - (ii) describe the arrangements to ensure safety performance before implementing changes;
 - (iii) eliminate or modify safety risk controls that are no longer needed or effective due to changes in the operational environment;
 - (7) formal processes to review the management system referred to in paragraph (a), identify the causes of substandard performance of the safety management system, determine the implications of such substandard performance in operations, and eliminate or mitigate such causes;
 - (8) a safety training programme that ensures that personnel involved in the operation, rescue and fire-fighting, maintenance and management of the aerodrome are trained and competent to perform the safety management system duties;
 - (9) formal means for safety communication that ensures that personnel are fully aware of the safety management system, conveys safety critical information, and explains

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SUBPART D — MANAGEMENT (ADR.OR.D)

why particular safety actions are taken and why safety procedures are introduced or changed;

- (10) coordination of the safety management system with the aerodrome emergency response plan; and coordination of the aerodrome emergency response plan with the emergency response plans of those organisations it must interface with during the provision of aerodrome services;
 - (11) a formal process to monitor compliance of the organisation with the relevant requirements and the adequacy of the procedures.
- (c) The aerodrome operator shall document all management system key processes.
 - (d) The management system shall be proportionate to the size of the organisation and its activities, taking into account the hazards and associated risks inherent in these activities.
 - (e) In the case that the aerodrome operator holds also a certificate to provide air navigation services, it shall ensure that the management system covers all activities in the scope of its certificates.

ADR.OR.D.007 Management of aeronautical data and aeronautical information

- (a) As part of its management system, the aerodrome operator shall implement and maintain a quality management system covering:
 - (1) its aeronautical data activities; and
 - (2) its aeronautical information provision activities.
- (b) The aerodrome operator shall define procedures for meeting the safety and security management objectives with respect to:
 - (1) aeronautical data activities; and
 - (2) aeronautical information provision activities.

ADR.OR.D.010 Contracted activities

- (a) Contracted activities include all activities within the aerodrome operator's scope in accordance with the terms of the certificate that are performed by other organisations either itself certified to carry out such activity or if not certified, working under the aerodrome operator's approval. The aerodrome operator shall ensure that when contracting or purchasing any part of its activity, the contracted or purchased service or equipment or system conforms to the applicable requirements.
- (b) When an aerodrome operator contracts any part of its activity to an organisation that is not itself certified in accordance with this Part to carry out such activity, the contracted organisation shall work under the approval and oversight of the aerodrome operator. The aerodrome operator shall ensure that the competent authority is given access to the contracted organisation, to determine continued compliance with the applicable requirements.

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SUBPART D — MANAGEMENT (ADR.OR.D)

ADR.OR.D.015 Personnel requirements

(a) The aerodrome operator shall appoint an accountable manager, who has the authority for ensuring that all activities can be financed and carried out in accordance with the applicable requirements. The accountable manager shall be responsible for establishing and maintaining an effective management system.

(b) The aerodrome operator shall nominate persons responsible for the management and supervision of the following areas:

(1) operational services of the aerodrome; and

(2) maintenance of the aerodrome.

(c) The aerodrome operator shall nominate a person or group of persons responsible for the development, maintenance and day-to-day management of the safety management system.

Those persons shall act independently of other managers within the organisation, shall have direct access to the accountable manager and to appropriate management for safety matters and shall be responsible to the accountable manager.

(d) The aerodrome operator shall have sufficient and qualified personnel for the planned tasks and activities to be performed in accordance with the applicable requirements.

(e) The aerodrome operator shall assign a sufficient number of personnel supervisors to defined duties and responsibilities, taking into account the structure of the organisation and the number of personnel employed.

ADR.OR.D.017 Training and proficiency check programmes

(a) The aerodrome operator shall establish a training programme for:

(1) personnel involved in the operation, rescue and fire-fighting, maintenance and management of the aerodrome; and

(2) unescorted persons operating on the movement area or other operational areas of the aerodrome.

(b) The aerodrome operator shall nominate adequately qualified and experienced instructors and assessors for the implementation of the training programme, and shall ensure the suitability of the facilities and means used for the provision of the training.

(c) In accordance with the relevant requirements of Part-ADR.OPS, the aerodrome operator shall ensure that:

(1) personnel involved in the operation, rescue and fire-fighting, maintenance and management of the aerodrome:

(i) are adequately trained in accordance with the training programme;

(ii) have demonstrated their capabilities in the performance of their assigned duties;

(iii) are aware of the rules and procedures relevant to the exercise of their duties; and their responsibilities and the relationship of their duties to the operation

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SUBPART D – MANAGEMENT (ADR.OR.D)

as a whole;

- (2) unescorted persons operating on the movement area or other operational areas of the aerodrome;
 - (i) are adequately trained in accordance with the training programme;
 - (ii) have demonstrated their capabilities for such access;
 - (3) proficiency checks programmes are implemented at adequate intervals to ensure continuing competence of the persons referred to in (1) and (2) above.
- (d) The aerodrome operator shall:
- (1) maintain appropriate qualification, training and proficiency check records to demonstrate compliance with this requirement;
 - (2) on request, make such records available to its personnel concerned; and
 - (3) if a person is employed by another employer, on request, make such records of that person available to that new employer.
- (e) The training programme and the proficiency check programme shall require prior approval by the competent authority, as appropriate.

ADR.OR.D.020 Facilities requirements

- (a) The aerodrome operator shall ensure that adequate and appropriate facilities are available to its personnel or personnel employed by parties with whom it has contracted for the provision of aerodrome operational and maintenance services.
- (b) The aerodrome operator shall designate appropriate areas at the aerodrome to be used for the storage of dangerous goods transported through the aerodrome, in accordance with the Technical Instructions.

ADR.OR.D.025 Coordination with other organisations

The aerodrome operator shall:

- (a) ensure that the management system of the aerodrome addresses the coordination and interface with the safety procedures of other organisations operating or providing services at the aerodrome;
- (b) ensure that such organisations have safety procedures in place to comply with the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules and the requirements laid down in the aerodrome manual.

ADR.OR.D.027 Safety programmes

The aerodrome operator shall:

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SUBPART D – MANAGEMENT (ADR.OR.D)

- (a) establish, lead and implement programmes to promote safety and the exchange of safety-relevant information; and
- (b) ensure that organisations operating or providing services at the aerodrome are involved in such programmes.

ADR.OR.D.030 Safety reporting system

- (a) The aerodrome operator shall establish and implement a safety reporting system to be used by all personnel and organisations operating or providing services at the aerodrome, in order to promote safety at, and the safe use of, the aerodrome.
- (b) The aerodrome operator, in accordance with ADR.OR.D.005 (b)(3), shall:
 - (1) require and ensure that the personnel and organisations mentioned in paragraph (a) use the safety reporting system for the mandatory reporting of any accident, serious incident and occurrence;
 - (2) ensure that the safety reporting system may be used for the voluntary reporting of any defect, fault and safety hazard which could impact safety.
- (c) The safety reporting system shall protect the identity of the reporter, encourage voluntary reporting and include the possibility that reports may be submitted anonymously.
- (d) The aerodrome operator shall:
 - (1) record all reports submitted;
 - (2) analyse and assess the reports, as appropriate, in order to address safety deficiencies and identify trends;
 - (3) ensure that all organisations operating or providing services at the aerodrome which are relevant to the safety concern, participate in the analysis of such reports and that any corrective and/or preventive measures identified are implemented;
 - (4) conduct investigations of reports, as appropriate; and
 - (5) refrain from attribution of blame in line with the 'just culture' principles.

ADR.OR.D.035 Record-keeping

- (a) The aerodrome operator shall establish an adequate system of record-keeping, covering all its activities undertaken under Regulation (EC) No 216/2008 and its Implementing Rules.
- (b) The format of the records shall be specified in the aerodrome manual.
- (c) Records shall be stored in a manner that ensures protection from damage, alteration and theft.
- (d) Records shall be kept for a minimum of 5 years, except that the below records shall be kept as follows:

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SUBPART D — MANAGEMENT (ADR.OR.D)

- (1) the aerodrome certification basis, the alternative means of compliance in use and the current aerodrome or aerodrome operator certificate(s), for unlimited duration;
 - (2) arrangements with other organisations, for as long as such arrangements are in effect;
 - (3) manuals of aerodrome equipment or systems employed at the aerodrome, for as long as they are used at the aerodrome;
 - (4) safety assessment reports for the lifetime of the system/procedure/activity;
 - (5) personnel training, qualifications, and medical records as well as their proficiency checks, as appropriate, for at least four years after the end of their employment, or until the area of their employment has been audited by the competent authority;
 - (6) the current version of the hazard register.
- (e) All records shall be subject to applicable data protection law.

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SUBPART E – AERODROME MANUAL
(ADR.OR.E)

SUBPART E – AERODROME MANUAL AND DOCUMENTATION (ADR.OR.E)

ADR.OR.E.005 Aerodrome manual

- (a) An aerodrome operator shall establish and maintain an aerodrome manual.
- (b) The content of the aerodrome manual shall reflect the certification basis and the requirements set out in this Part and Part-ADR.OPS, as applicable, and shall not contravene the terms of the certificate. The aerodrome manual shall contain or refer to all necessary information for the safe use, operation and maintenance of the aerodrome, its equipment, as well as its obstacle limitation and protection surfaces and other areas associated with the aerodrome.
- (c) The aerodrome manual may be issued in separate parts.
- (d) An aerodrome operator shall ensure that all aerodrome personnel and all other relevant organisation's personnel have easy access to the portions of the aerodrome manual that are relevant to their duties and responsibilities and made aware of any changes that are relevant to their duties.
- (e) An aerodrome operator shall:
 - (1) supply the competent authority with the intended amendments and revisions of the aerodrome manual, for items requiring prior approval in accordance with ADR.OR.B.040, in advance of the effective date and ensure that they do not become effective before obtaining the competent authority's approval; or
 - (2) supply the competent authority with the intended amendments and revisions of the aerodrome manual in advance of the effective date, if the proposed amendment or revision of the aerodrome manual requires only a notification to the competent authority in accordance with ADR.OR.B.040(d) and ADR.OR.B.015(b).
- (f) Notwithstanding paragraph (e), when amendments or revisions are required in the interest of safety, they may be published and applied immediately, provided that any approval required has been applied for.
- (g) The aerodrome operator shall:
 - (1) review the content of the aerodrome manual, ensure that it is kept up-to-date and amended whenever necessary;
 - (2) incorporate all amendments and revisions required by the competent authority; and
 - (3) make all aerodrome personnel and other relevant organisation's personnel aware of the changes that are relevant to their duties
- (h) The aerodrome operator shall ensure that any information taken from other approved documents, and any amendment thereof, is correctly reflected in the aerodrome manual. This does not prevent the aerodrome operator from publishing more conservative data and procedures in the aerodrome manual.

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SUBPART E – AERODROME MANUAL
(ADR.OR.E)

- (i) The aerodrome operator shall ensure that:
 - (1) the aerodrome manual is written in a language acceptable to the competent authority; and
 - (2) all personnel are able to read and understand the language in which those parts of the aerodrome manual and other operational documents pertaining to their duties and responsibilities are written.
- (j) The aerodrome operator shall ensure that the aerodrome manual:
 - (1) is signed by the accountable manager of the aerodrome;
 - (2) is printed or is in electronic format and is easy to revise;
 - (3) has a system for version control management which is applied and made visible in the aerodrome manual; and
 - (4) observes human factors principles and is organised in a manner that facilitates its preparation, use and review.
- (l) The aerodrome operator shall keep at least one complete and current copy of the aerodrome manual at the aerodrome and make it available for inspection by the competent authority.
- (m) The content of the aerodrome manual shall be as follows:
 - (1) General;
 - (2) Aerodrome management system, qualification and training requirements;
 - (3) Particulars of the aerodrome site;
 - (4) Particulars of the aerodrome required to be reported to the Aeronautical Information Service; and
 - (5) Particulars of the operating procedures of the aerodrome, its equipment and safety measures.

ADR.OR.E.010 Documentation requirements

- (a) The aerodrome operator shall ensure the availability of any other documentation required and associated amendments.
- (b) The aerodrome operator shall be capable of distributing operational instructions and other information without delay.

ANNEX III – Part-OPS

SUBPART A – AERODROME DATA (ADR.OPS.A)

ANNEX III

Part Operations Requirements - Aerodromes (Part ADR.OPS)

SUBPART A – AERODROME DATA (ADR.OPS.A)

ADR.OPS.A.005 Aerodrome data

The aerodrome operator shall:

- (a) determine, document and maintain data relevant to the aerodrome and available services;
- (b) provide data relevant to the aerodrome and available services to the users and the relevant air traffic services and aeronautical information services providers, as appropriate.

ADR.OPS.A.010 Data quality requirements

The aerodrome operator shall have formal arrangements with organisations with which it exchanges aeronautical data and/or aeronautical information.

- (a) All data relevant to the aerodrome and available services shall be provided by the aerodrome operator with the required quality and integrity.
- (b) When data relevant to the aerodrome and available services are published, the aerodrome operator, shall:
 - (1) monitor data relevant to the aerodrome and available services originating from the aerodrome operator and promulgated by the relevant air traffic services providers and aeronautical information services providers;
 - (2) notify the relevant aeronautical information services providers of any changes necessary to ensure correct and complete data relevant to the aerodrome and available services, originating from the aerodrome operator;
 - (3) notify the relevant air traffic services providers and aeronautical information services providers when the published data originating from the aerodrome operator are incorrect or inappropriate.

ADR.OPS.A.015 Coordination between aerodrome operators and providers of aeronautical information services

- (a) To ensure that aeronautical information services providers obtain information to enable them to provide up-to-date pre-flight and to meet the need for in-flight information, the aerodrome operator shall report to the relevant aeronautical information service providers, with a minimum of delay, the following:
 - (1) information on the aerodrome conditions, disabled aircraft removal, rescue and fire-fighting and visual approach slope indicator systems;
 - (2) the operational status of associated facilities, services and navigational aids at the aerodrome;
 - (3) any other information considered to be of operational significance.
- (b) Before introducing changes to the air navigation system, the aerodrome operator shall take due account of the time needed by the relevant aeronautical information services for the preparation, production and issue of relevant material for promulgation.

ANNEX III – Part-OPS

SUBPART B – AERODROME OPERATIONAL SERVICES,
EQUIPMENT AND INSTALLATIONS (ADR.OPS.B)

**SUBPART B – AERODROME OPERATIONAL SERVICES, EQUIPMENT
AND INSTALLATIONS (ADR.OPS.B)**

ADR.OPS.B.001 Provision of operational services

The operational services under Subpart B of this Annex shall be provided at the aerodrome by the aerodrome operator directly or indirectly.

ADR-OPS.B.005 Aerodrome emergency planning

The aerodrome operator shall have and implement an aerodrome emergency plan that:

- (a) is commensurate with the aircraft operations and other activities conducted at the aerodrome;
- (b) provides for the coordination of appropriate organisations in response to an emergency occurring at an aerodrome or in its surroundings;
- (c) contains procedures for periodic testing of the adequacy of the plan and for reviewing the results in order to improve its effectiveness.

ADR-OPS.B.010 Rescue and fire-fighting services

- (a) The aerodrome operator shall ensure that:
 - (1) aerodrome rescue and fire-fighting, facilities, equipment and services are provided;
 - (2) adequate equipment, fire extinguishing agents and sufficient personnel are available for immediate response;
 - (3) rescue and fire-fighting personnel are properly trained, equipped and qualified to operate in the aerodrome environment;
 - (4) rescue and fire-fighting personnel potentially required to act in aviation emergencies demonstrate their medical fitness to execute their functions satisfactorily, taking into account the type of activity.
- (b) Temporary reduction of the level of protection of the aerodrome rescue and fire-fighting services, due to unforeseen circumstances, shall not require a prior approval by the competent authority.

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*SUBPART B – AERODROME OPERATIONAL SERVICES,
EQUIPMENT AND INSTALLATIONS (ADR.OPS.B)*

ADR-OPS.B.015 Monitoring and inspection of movement area and related facilities

- (a) The aerodrome operator shall monitor the condition of the movement area and the operational status of related facilities and report on matters of operational significance, whether of a temporary or permanent nature, to the relevant air traffic services providers and aeronautical information services providers;
- (b) The aerodrome operator shall carry out regular inspections of the movement area and its related facilities.

ADR-OPS.B.020 Wildlife strike hazard reduction

The aerodrome operator shall:

- (a) assess the wildlife hazard on, and in the surrounding, of the aerodrome;
- (b) establish means and procedures to minimise the risk of collisions between wildlife and aircraft, at the aerodrome;
- (c) notify the appropriate authority if a wildlife assessment indicates conditions in the surroundings of the aerodrome conducive to a wildlife hazard problem.

ADR-OPS.B.025 Operation of vehicles

The aerodrome operator shall establish and implement procedures for the formal training, assessment and authorisation of all drivers operating on the movement area.

ADR-OPS.B.030 Surface movement guidance and control system

The aerodrome operator shall ensure that a surface movement guidance and control system is provided at the aerodrome.

ADR-OPS.B.035 Operations in winter conditions

The aerodrome operator of aerodromes to be used during winter conditions shall ensure that means and procedures are established and implemented to ensure the safety of aerodrome operations in such conditions.

ADR-OPS.B.040 Night operations

The aerodrome operator of aerodromes to be used at night shall ensure that means and procedures are established and implemented to ensure the safety of aerodrome operation in such conditions.

ADR-OPS.B.045 Low visibility operations

- (a) The aerodrome operator of aerodromes to be used under low visibility conditions shall ensure that means and procedures are established and implemented to ensure the safety of aerodrome operations in such conditions.
- (b) Low visibility procedures shall require prior approval by the competent authority.

ANNEX III – Part-OPS

SUBPART B – AERODROME OPERATIONAL SERVICES,
EQUIPMENT AND INSTALLATIONS (ADR.OPS.B)

ADR-OPS.B.050 Operations in adverse weather conditions

The aerodrome operator shall ensure that means and procedures are established and implemented to ensure the safety of aerodrome operations in adverse weather conditions.

ADR-OPS.B.055 Fuel quality

The aerodrome operator shall verify that organisations involved in storing and dispensing of fuel to aircraft have procedures to ensure that aircraft are provided with uncontaminated fuel and of the correct specification.

ADR-OPS.B.060 Access to the movement area

The aerodrome operator shall ensure that only trained, qualified and authorised persons are allowed unescorted access to the movement area and other operational areas of the aerodrome;

ADR-OPS.B.065 Visual aids and aerodrome electrical systems

The aerodrome operator shall have procedures to ensure that aerodrome visual aids and electrical systems function as intended.

ADR-OPS.B.070 Aerodrome works safety

- (a) The aerodrome operator shall establish and implement procedures to ensure that:
 - (1) aircraft safety is not affected by aerodrome works;
 - (2) aerodrome works safety is not affected by aerodrome operational activities.
- (b) Major constructions at the aerodrome, which may have an impact on safety, shall require prior approval by the competent authority.

ADR-OPS.B.075 Safeguarding of aerodromes

- (a) The aerodrome operator shall monitor on the aerodrome and its surroundings:
 - (1) obstacle limitation and protection surfaces as established in accordance with the certification basis, and other surfaces and areas associated with the aerodrome, in order to take appropriate action to mitigate the risks associated with the penetration of those surfaces and areas;
 - (2) marking and lighting of obstacles in order to be able to take action within its competence, as appropriate;
 - (3) hazards related to human activities and land use in order to take action within its competence, as appropriate.
- (b) The aerodrome operator shall have procedures in place for mitigating the risks associated with obstacles, developments and other activities within the monitored areas that could impact safe operations of aircraft operating at, to or from the aerodrome.

ANNEX III – Part-OPS

*SUBPART B – AERODROME OPERATIONAL SERVICES,
EQUIPMENT AND INSTALLATIONS (ADR.OPS.B)*

ADR-OPS.B.080 Marking and lighting of vehicles and other mobile objects

The aerodrome operator shall ensure that vehicles and other mobile objects, excluding aircraft, on the movement area of the aerodrome are marked and lighted.

ADR-OPS.B.090 Use of the aerodrome by higher code letter aircraft

- (a) Except for aircraft emergency situations, an aerodrome operator may, subject to prior approval by the competent authority, permit the use of the aerodrome or parts thereof by aircraft with a higher code letter than the aerodrome design characteristics specified in the terms of the certificate.
- (b) In showing compliance with paragraph (a), the provisions of ADR.OR.B.040 shall apply.

ANNEX III – Part-OPS

SUBPART C – AERODROME MAINTENANCE (ADR.OPS.C)

SUBPART C – AERODROME MAINTENANCE (ADR.OPS.C)

ADR-OPS.C.005 General

- (a) The aerodrome operator shall establish and implement a maintenance programme, including preventive maintenance where appropriate to maintain aerodrome facilities so that they comply with the essential requirements set in Annex Va to Regulation (EC) No 216/2008.
- (b) The maintenance programme of paragraph (a), as well as major maintenance activities shall require prior approval by the competent authority.

ADR-OPS.C.010 Pavements, other ground surfaces and drainage

- (a) The aerodrome operator shall inspect the surfaces of all movement areas including pavements (runways, taxiways and aprons), adjacent areas and drainage to regularly assess their condition as part of an aerodrome preventive and corrective maintenance programme.
- (b) The aerodrome operator shall:
 - (1) Maintain the surfaces of all movement areas with the objective of avoiding and eliminating any loose object/debris that might cause damage to aircraft or impair the operation of aircraft systems;
 - (2) Maintain the surface of runways, taxiways and aprons, in order to prevent the formation of harmful irregularities;
 - (3) Take corrective maintenance action when the friction characteristics for either the entire runway or a portion thereof, when uncontaminated, are below a minimum friction level. The frequency of these measurements shall be sufficient to determine the trend of the surface friction characteristics of the runway.

ADR-OPS.C.015 Visual aids and electrical systems

The aerodrome operator shall establish and ensure the implementation of a system of corrective and preventive maintenance of visual aids and electrical systems to ensure lighting and marking system availability, reliability and compliance.