



Brussels, **XXX**  
[...](2023) **XXX** draft

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

**of **XXX****

**amending Commission Regulation (EU) No 139/2014 as regards aerodrome safety,  
change of aerodrome operator and occurrence reporting**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

Commission Regulation (EU) No 139/2014 lays down requirements and administrative procedures for the certification of aerodromes and aerodrome operators. However, the case of change of aerodrome operator is not addressed. To ensure a safe and smooth transition of the operation of an aerodrome when the operator changes, as well as to avoid administrative burden for both national competent authorities and aerodrome operators, it is necessary to establish the necessary regulatory provisions in a uniform manner across the EU.

Annex I (Definitions for terms used in Annexes II to IV) to Commission Regulation (EU) No 139/2014 is updated with new terms (aerodrome traffic density, hot spot, and terms of the certificate) to ensure the correct understanding of their meaning.

There are cases where aerodrome operators also provide air traffic services; therefore, it is not considered appropriate to have different requirements as regards compliance monitoring between Commission Regulation (EU) No 139/2014 and Commission Implementing Regulation (EU) 2017/373. For this reason, the requirements for compliance monitoring for aerodrome operators are aligned with those for providers of air traffic services to facilitate the integration of compliance monitoring under a single management system.

Currently, the requirement of Commission Regulation (EU) No 139/2014 on safety programmes does not ensure the establishment of a local runway safety team (LRST) and other aerodrome safety committees under the lead of the aerodrome operator, nor does it give the power to the aerodrome operator to require the participation of the various organisations that provide services at the aerodrome. Since the establishment, composition and functioning of these committees are important for the enhancement of the operational safety at aerodromes, it is necessary to establish the necessary regulatory provisions to achieve this objective.

Commission Regulation (EU) No 139/2014 does not contain requirements to ensure that a plan for the removal of disabled aircraft is established by the aerodrome operator so that a runway is returned to service as soon as possible in case an aircraft becomes immobilised. Further, it does not contain any requirements to ensure that pavements are protected against excessive damage caused by aircraft that are not appropriate for the pavement strength. Furthermore, the ICAO's audit of EASA in 2018 in the context of ICAO's Universal Safety Oversight Audit Programme (USOAP) has also identified that the two specific Standards and Recommended Practices (SARPs) of ICAO Annex 14 Volume I 'Design and Operation of Aerodromes' regarding the removal of disabled aircraft and overload operations have not been addressed properly and that there is a need to transpose the relevant regulatory provisions in the EU regulatory framework.

Amendment 3 to ICAO Doc 9981 'Procedures for Air Navigation Services — Aerodromes' introduced provisions for the training of aerodrome personnel in operational procedures, inspections of the movement area, work in progress, foreign object debris (FOD) control, wildlife management, apron safety, and runway safety. All these provisions have already been transposed into the EU regulatory framework through the amendment of Commission Regulation (EU) No 139/2014 by Commission Delegated Regulation (EU) 2020/2148, except

for the provisions on work in progress and suspension of runway operations, which are also critical for runway safety.

Hot spots are defined as locations with a history or a potential risk of collision or runway incursions. It is, therefore, important that these locations be identified by the aerodrome operator and the associated risks mitigated. Where immediate measures are not possible, their location must be made known to pilots and vehicle drivers through their publication in the relevant aerodrome charts to raise their awareness.

The higher code letter operation requirements need to be updated as a result of the changes to the methodology of the aerodrome reference code (ARC) adopted by ICAO. Since the outer main gear wheel span (OMGWS) is referenced directly in the relevant certification specifications (CSs) and is no longer part of the ARC, it cannot be covered by the code letter referred to in point (a) of point ADR.OPS.B.090. This could lead to a situation where an aircraft might be using the infrastructure or parts of an aerodrome's infrastructure that had not been designed to accommodate that type of aircraft without a prior approval granted by the competent authority. To address this issue until the regulatory update proposed is completed and applicable, EASA issued SIB 2020-17 'Higher Code Letter Operations' on 25 September 2020 to raise awareness and to ensure the safety of aerodrome operations.

Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation lays down specific reporting obligations for EASA, the Member States' competent authorities, individuals, and organisations. These reporting obligations of that Regulation exist in parallel with the reporting obligations laid down in Commission Regulation (EU) No 139/2014. The essential requirements laid down in the annexes to Regulation (EU) 2018/1139 require organisations subject to that Regulation, such as aerodromes and apron management service providers, to establish occurrence-reporting systems as part of their management system. Although the aforementioned Regulations have the same purpose and broadly the same scope, there are key differences, overlaps and ambiguities that should be addressed, resolved and aligned. In particular, the link between occurrence-reporting requirements and safety management/management system requirements applicable to competent authorities, aerodrome operators and apron management service providers must be clarified. These potential issues may be addressed by updating the applicable requirements of Commission Regulation (EU) 139/2014 to render them, as much as possible, consistent with those of Regulation (EU) No 376/2014.

## **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

In accordance with Article 128(4) of Regulation (EU) 2018/1139, before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. The subject draft delegated act was presented to the Air Safety experts group, which includes representatives from the Member States, at its meeting on [...]. The subject draft delegated act is based on EASA **Opinion No xx/2023** whose draft content had been publicly consulted through Notice of Proposed Amendment (NPA) 2020-10 'Regular update of aerodrome rules' (RMT.0591) issued by EASA on 17 November 2020, and NPA 2016-19 'Alignment of implementing rules and acceptable means of compliance/guidance material with Regulation (EU) No 376/2014 — Occurrence reporting' (RMT.0681), issued by EASA on

19 December 2016. EASA **Opinion No xx/2023** also contains the proposed amendments which were consulted (via a focused written consultation) between 8 and 23 November 2022 and agreed with the Advisory Bodies for Aerodromes (ADR TeB and TEC) on additional items to those presented in NPA 2020-10.

The draft Opinion developed through the consultation processes mentioned above was further consulted via a written consultation (19 June – 03 July 2023) with the EASA Member States Advisory Body (MAB) before its publication.

The feedback from the MAB was reviewed and considered when developing the final draft regulatory material. Furthermore, EASA provided the MAB with clarifications on their feedback.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

Articles 39 and 62(13) of Regulation (EU) 2018/1139 empower the Commission to adopt delegated acts, in accordance with Article 128 of that Regulation, laying down detailed rules regarding the operation of aerodromes.

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

of **XXX**

## **amending Commission Regulation (EU) No 139/2014 as regards aerodrome safety, change of aerodrome operator and occurrence reporting**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulation (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91<sup>1</sup>, and in particular Article 39(1) thereof,

Whereas:

- (1) Commission Regulation (EU) No 139/2014 lays down requirements and administrative procedures related to aerodromes, including their management, operation, certification and oversight.
- (2) The change of aerodrome operator should occur in a manner that ensures a safe and smooth transition of aerodrome operations.
- (3) The occurrence-reporting system of aerodrome operators and apron management service providers should be aligned with the principles of Regulation (EU) No 376/2014<sup>2</sup> on the reporting, analysis and follow-up of occurrences in civil aviation.
- (4) Where aerodrome operators also provide air traffic services, the requirements for compliance monitoring should be aligned with the corresponding requirements of Commission Implementing Regulation (EU) 2017/373 to facilitate the integration of compliance monitoring under a single management system.
- (5) Local runway safety teams and other aerodrome safety committees should be established, led and managed by aerodrome operators.
- (6) A plan for the removal of disabled aircraft should be established by the aerodrome operator to ensure that a coordination mechanism is in place, as well as access to resources and equipment.
- (7) A process should be in place to manage the safety of aerodrome works, which includes authorisations, notifications, safety measures, oversight and control.

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<sup>1</sup> OJ L 212, 22.8.2018, p. 1.

<sup>2</sup> Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18).

- (8) Closed runways and taxiways, or parts thereof, either temporarily or permanently, should be appropriately marked to prevent their use by aircraft.
- (9) The use of an aerodrome by an aircraft that exceeds the certified design characteristics of the aerodrome should be assessed and a prior approval should be obtained from the competent authority.
- (10) Locations on the movement area with a history or a potential risk of collision or runway incursions should be identified and designated as ‘hot spots’ and the associated risks should be mitigated.
- (11) Procedures should be established and implemented by the aerodrome operator for the suspension or closure of runway operations.
- (12) Pavements may be damaged when excessively used by heavy aircraft; therefore, procedures for overload operations should be established,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Amendments to Regulation (EU) No 139/2014**

Regulation (EU) No 139/2014 is amended in accordance with the Annex to this Regulation.

*Article 2*

**Date of entry into force and application**

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [date of publication + 12 months].

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

Done at Brussels,

*For the Commission*  
*The President*  
[...]