



Brussels, **XXX**
EASA
[...] (2014) **XXX** draft

[...]

COMMISSION REGULATION (EU) No .../..

of **XXX**

**amending Regulation (EU) No 139/2014 as regards requirements and administrative
procedures related to aerodromes**

ANNEX TO EASA OPINION 02/2014

COMMISSION REGULATION (EU) No .../...

of XXX

amending Regulation (EU) No 139/2014 as regards requirements and administrative procedures related to aerodromes

ANNEX TO EASA OPINION No 02/2014

THE EUROPEAN COMMISSION,

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/EC, amended by Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009, and in particular Article 8a(5) and Article 8a(2)(d) thereof,

Whereas:

- (1) Regulation (EU) No 139/2014 lays down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008.
- (2) Apron management services are part of aerodrome operations.
- (3) Regulation (EU) No 139/2014 contains in Annex IV (Part-ADR.OPS) operations requirements for aerodromes. It does not address requirements for apron management services at aerodromes and their inclusion is required.
- (4) A provider of apron management services can provide services at aerodromes located in different Member States. It is necessary to ensure that certificates issued under the provisions of this Regulation are mutually recognised between Member States without additional administrative burden.
- (5) In order to ensure a smooth transition and a high uniform level of civil aviation safety in the European Union, implementing measures should reflect the state of the art, including best practices in the provision of apron management services.
- (6) Implementing measures should also take into account the applicable International Civil Aviation Organization (hereinafter referred to as 'ICAO') Standards and Recommended Practices, thereby respecting ICAO's respective classification throughout the system of rules.
- (7) Implementing measures should finally take into account worldwide experience in the provision of apron management services and be proportionate to the size, traffic, category and complexity of the aerodromes where such services are provided.
- (8) Specific services referred to in Subpart D of Annex IV (Part-ADR.OPS) should be provided at an aerodrome. In some cases, these services are not directly provided by the aerodrome operator, but by another organisation or State entity, or a combination of both. In such cases, the aerodrome operator, being responsible for the operation of

the aerodrome, should have in place arrangements and interfaces with these organisations or entities to ensure the provision of services according to the requirements stated in Annex IV. When such arrangements and interfaces are in place, the aerodrome operator should be considered as having discharged their responsibility, and should not be understood to be directly responsible or liable for any non-compliances by another entity involved in the arrangement, provided that it has complied with all applicable requirements and obligations laid down in this Regulation relevant to its responsibility under the arrangement.

- (9) The measures provided for in this Regulation are based on the Opinion issued by the European Aviation Safety Agency in accordance with Articles 17(2)(b) and 19(1) of Regulation (EC) No 216/2008.
- (10) 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

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

- (1) The following Article 6a is inserted:

Article 6a

Conversion of certificates of apron management services providers

1. Certificates issued to providers of apron management services by the Competent Authority on the basis of national legislations shall remain valid until new certificates are issued in accordance with this Regulation, at the latest by 31 December 2017.
 2. By the end of the period specified in paragraph 1, the Competent Authority shall issue certificates or accept declarations for providers of apron management services, if the provider of apron management services 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. The Competent Authority shall keep records, for a minimum period of five years, of the documents related to the conversion of certificates procedure.
- (2) Annexes I, II, III and IV to Regulation (EU) No 139/2014 are amended in accordance with Annex 1 to this Regulation.

Article 2

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.

2. Annexes III and IV shall apply to providers of apron management services in accordance with Article 2 as from the date of issuance of the certificate or the acceptance of the declaration by the Competent Authority.

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

Done at Brussels,

For the Commission

The President