



TERMS OF REFERENCE

Task Nr: ADR.001 (a) and ADR.001 (b)

Issue: 1

Date: 18 June 2010

Regulatory reference:

- Basic 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
- Regulation (EC) No 1108/2009 of the European Parliament and of the Council of 21 October 2009 amending Regulation (EC) No 216/ 2008 in the field of aerodromes, air traffic management and air navigation services and repealing Council Directive 06/23/EEC²

Reference documents:

- ICAO Annex 14 (Aerodrome design and operations);
- ICAO Annexes (relevant parts) 2, 3, 4, 6, ,10, 11, 14, 15, 16, and 17;
- ICAO Documents:
 - ICAO Doc 9774, Manual on Certification of Aerodromes;
 - ICAO Doc 9734, Establishment and Management of a State's Safety Oversight System;
 - ICAO Doc 9859, Safety Management Manual;
- Preliminary preparatory material produced by the Group of Aerodrome Safety Regulators (GASR) for the Agency;
- Appropriate and relevant regulatory material from the EASA Member States;
- EASA NPA 2008-22b Authority Requirements (Part-AR) of 30 Oct. 2008, related CRD and Opinion;
- EASA NPA 2008-22c Organisation Requirements (Part-OR) of 30 Oct. 2008, related CRD and Opinion.

1. Subject: Implementing measures for the safety of aerodromes - **Requirements for aerodrome operator organisations and competent authorities**

2. Problem/Statement of issue and justification; reason for regulatory evolution (regulatory tasks):

2.1 Statement of issue and justification:

The Basic Regulation (EC) 216/2008 (hereafter BR) was amended, with the adoption of

¹ OJ L 79, 19/03/2008, p. 1.

² OJ L 309, 24/11/2009, p. 51.

Regulation 1108/2009 by the European co-legislators in order to include the safety regulation of aerodromes (and ATM/ANS) into the European aviation safety regulatory system (henceforth the EASA system). Therefore, the European Aviation Safety Agency shall now prepare a series of implementing measures in the field of aerodrome safety within a defined timeframe.

Altogether the amended BR requires the development of safety rules containing the detailed requirements with which related competent authorities, aerodrome operator organisations, aerodrome design and operations³, as well as aerodrome equipment⁴ have to comply.

2.2 The total system approach - organisation and competent authority requirements:

With the NPA 2008-22c on Organisation Requirements (for an expected Part-OR) and the NPA 2008-22b on Authority Requirements (for an expected Part-AR) the Agency has launched its proposal for a basis for the EASA system, which foresees horizontal rules for the sound management of regulated aviation organisations and horizontal rules for the requirements on safety oversight. The aim is to improve safety of interfaces and to promote regulatory efficiencies for example by allowing an organisation to undertake several regulated activities under one certificate.

The proposed structure of the requirements follows certain principles: The Part-OR and Part-AR foresee each a general subpart (GEN) applicable to all regulated organisations and competent authorities in the aviation domain irrespective of the activity. These GEN rules are then followed by a number of subparts with distinct rules for organisations and authorities active in a particular field of aviation. The first such distinct subparts inside Part-OR and AR proposed were those related to pilot licensing (NPA 2008-22 – subparts AR.FCL, AR.ATO, AR.AeMC, AR.MED, OR.ATO, OR.AeMC) and for air operations (NPA 2009-02c - subparts AR.OPS, AR.CC and OR.OPS). Thus, the outputs of the task ADR.001 a) described in these Terms of Reference will either be amendments to be integrated into the IRs of the subparts OR.GEN and AR.GEN or aerodrome specific rules for organisations and authorities, accommodated in specific subparts to be named OR.ADR and AR.ADR.

3. Objective:

3.1 The overall objective:

The overall objective is to develop: under task ADR.001 a) implementing rules (IRs) and under task ADR.001 b) the necessary acceptable means of compliance (AMC) and, as appropriate, identify or develop guidance material (GM), all of which will make up the regulatory material for aerodrome operator organisations and competent authorities. The regulatory material shall provide the necessary means for the regulated entities and competent authorities to comply with the requirements. It shall also allow a process to establish alternative means of compliance, as proposed in NPA 2008-22b for a Regulation on Authority Requirements (Part-AR).

3.2 Description of the task ADR.001 a):

The task contains the following two sub-tasks:

- a) Requirements for aerodrome operator organisations (IRs);
- b) Requirements for aerodrome competent authorities (IRs).

³ Implementing measures 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 collocated at certified aerodromes will be done at a later stage. Until these implementing rules are in place, the respective national regulations will be applicable, to the extent they do not conflict with applicable community rules."

⁴ Please note that the requirements for aerodrome equipment, as well as for the oversight over designers and producers of safety-critical aerodrome equipment will follow at a later stage possibly jointly with the work to be done for specific ATM systems and constituents.

a) Requirements for aerodrome operator organisations:

This subtask foresees the development of the requirements for aerodrome operator organisations. As mentioned under 2.2, these IRs will be accommodated in subparts OR.GEN and OR.ADR of the Regulation on Organisation Requirements. In line with the implementation measures (BR Art. 8a (5)) and the essential requirements for aerodromes (Annex Va, chapter B - Operations and management and, if applicable Annex Vb) specified in the BR, the requirements to be developed shall:

- include the eligibility criteria, responsibilities and privileges of an aerodrome operator organisation;
- define the requirements for an aerodrome management system, containing the Safety Management System;
- define the process for the development and the content of the aerodrome manual and the requirements to operate the aerodrome in accordance with it;
- detail the conditions for operating an aerodrome in compliance with the essential requirements in Annex V a and, if applicable, V b of the BR;
- define in collaboration with group ADR.002 the aerodrome operational services, and detail the related competences, procedures and obligations of the provider of those services⁵;
- define the responsibilities of the aerodrome operator and third parties providing aerodrome operational services, as well as how the aerodrome operator monitors and supervises third parties' operations on the movement area.

b) Requirements for competent authorities:

This subtask foresees the development of requirements (IRs) for competent oversight authorities. Such IRs will be accommodated in sub-parts AR.GEN and AR.ADR of the Regulation on Authority Requirements. The material to be developed shall:

- define the requirements for competent authorities' management systems;
- define the procedure for reviewing and accepting a proposed applicable aerodrome certification basis submitted by an applicant;
- define the conditions for a decision to grant exemptions foreseen in Article 4.3b of the Basic Regulation;
- define the approval process for the aerodrome manual defining aerodrome particulars, services and operations;
- define the authority requirements for the issuing, maintaining, amending, suspending or revoking certificates for aerodromes and aerodrome operators (as applicable in a Member State);
- define transition measures and provide details for the acceptance and the conversion of existing aerodrome certificates issued by EASA Member States;
- define the authority requirements in relation to continuing safety oversight of aerodromes, its operations and services and the aerodrome operator;
- define the conditions under which operations shall be prohibited, limited or subject to certain conditions in the interest of safety.

3.3 Description of the task ADR.001 b):

⁵ Please note that the Agency will not yet start working on apron management/control services but later on will initiate a joint group with ATM and aerodrome experts.

The task contains the following two subtasks:

- a) AMCs and GM to accompany the aforementioned IRs on aerodrome operator organisations;
- b) AMCs and GM to accompany the aforementioned IRs on competent authorities.

3.4 Principles guiding the achievement of task ADR.001 (a) and (b):

All of the implementing measures shall:

- reflect the state of the art in the field of aerodromes and take into account the applicable ICAO Standards and Recommended Practices;
- integrate best practices from among the EASA Member States or other regulatory systems (e.g. FAA and TCCA);
- be proportionate to the size, traffic, category and complexity of the aerodrome and nature and volume of operations thereon;
- take into account worldwide aerodrome operation experience, and scientific and technical progress;
- allow for immediate reaction to established causes of accidents and serious incidents;
- provide for the necessary flexibility for customised compliance;
- provide a clear delineation to the implementing measures concerning aerodrome operations that are to be developed under rulemaking task ADR.002;
- be coordinated with the work on organisation requirements for organisations engaged in the provision of air navigation services which are being developed under rulemaking task ATM.001.

In addition the following should be considered:

- Recommendations developed by relevant ICAO Panels in order to amend relevant ICAO Standards and Recommended Practices, Procedures for Air Navigation Services and Guidance Material.

4. Specific tasks and interface issues (Deliverables):

Under ADR.001 a) the development of opinions, containing draft IR text for Commission regulations. Under ADR.001 b) decision(s), of the Executive Director of the Agency, containing AMC and GM. All of these are to be developed following the EASA rulemaking procedure:

EASA Deliverables:

1. Opinion on IRs for the requirements for aerodrome operator organisations;
2. Opinion on IRs for the requirements for competent authorities;
3. Draft decisions of the EASA Executive Director for the AMC's and GM accompanying the proposed IRs in the above opinions
4. Matrices, stating the source and justification of each regulatory provision, which shall include any cross reference to the ER's in the amended BR, the ICAO SARP's and any applicable Community legislation. In particular, any proposed change to and non use of any of the above provisions shall be justified and presented in said matrices.

5. Working Methods (in addition to the applicable Agency procedures):

Use of a rulemaking group following EASA rulemaking procedure, with the Agency providing

the secretariat and having the overall responsibility for the achievement of the task. The secretariat will coordinate, facilitate and propose texts.

The rulemaking group for ADR.001 a) and b) will work on the sub-tasks described under paragraph 3.2 and 3.3. The rulemaking group composition will be defined based on the rulemaking procedure of the Agency and in particular, will reflect the complexity of the related issues and will require the necessary expertise of the potentially affected stakeholders.

The experts involved in the work of the rulemaking group may be invited to participate in assessing the comments to be received on the Notice of Proposed Amendment (NPA), after the consultation with the public.

The rulemaking group might create sub-groups for specific topics with ad-hoc expertise invited, including expertise provided by the GASR. These sub-groups shall have a clear relationship and reporting line to the main rulemaking group.

Meetings of the rulemaking group(s) shall primarily be held at the Agency's premises, in Cologne.

6. Time scale, milestones of task ADR.001:

Start of the work in 2010/Q3 (July 2010).

NPA for task ADR.001 a) and ADR.001 b) will be published in 2012/Q1 (January 2012).

Opinions on the IRs under ADR.001 a) will be issued eleven (11) months thereafter estimated in 2012/Q4 (December 2012).

Decisions on the associated AMC's and GM to be developed under task ADR.001 b) will be issued after the adoption of the IRs at the latest by 2013/Q4 (December 2013).