



# Terms of Reference

for a rulemaking task

## Rescue and firefighting services at aerodromes

RMT.0589 – ISSUE 1 – 10.4.2014

<b>Applicability</b>		<b>Process map</b>	
Affected regulations and decisions:	Regulation (EU) No 139/2014 ED Decision 2014/012/R	Rulemaking lead:	R5
Affected stakeholders:	Member States, Competent Authorities, aerodrome operators, RFFS personnel	Concept Paper:	No
Driver/origin:	Legal obligation	Rulemaking group:	Yes
Reference:		RIA type:	Light
		Technical consultation during NPA drafting:	TBD
		Publication date of the NPA:	2015/Q1
		Duration of NPA consultation:	3 months
		Review group:	TBD
		Focussed consultation:	TBD
		Publication date of the Opinion and draft Decision:	2016/Q1

## 1. Issue and reasoning for regulatory change

According to paragraph B.1.(n) of Annex Va to Regulation (EC) No 216/2008, it is an essential requirement for the aerodrome operator that:

'all rescue and firefighting personnel potentially required to act in aviation emergencies shall periodically demonstrate their medical fitness to execute their functions satisfactorily, taking into account the type of activity. In this context, medical fitness, comprising both physical and mental fitness, means not suffering from any disease or disability which could make this personnel unable:

- (i) to execute the tasks necessary to operate in aviation emergencies;
- (ii) to perform their assigned duties at any time; or
- (iii) to perceive their environment correctly.'

Regulation (EU) No 139/2014 of 12 February 2014 lays down requirements and administrative procedures related to aerodromes and ED Decision 2014/012/R lays down the Acceptable Means of Compliance for the implementation of the Regulation.

They include requirements for rescue and firefighting personnel in respect of the training and medical standards. However, medical standards have not been addressed in detail. For that reason, the Agency decided to initiate this rulemaking task in order to further develop the requirements for medical standards for rescue and firefighting personnel. With this task, the Agency will be able to analyse the issue in more detail and to seek for experts' advice.

Another issue that was brought up during the consultation phase of the aerodrome rules was the reduction of the level of protection of rescue and firefighting services (remission factor) normally provided at the aerodrome, including also the level of protection that should be provided at aerodromes serving all-cargo or mail flights. Regulation (EU) No 139/2014 and ED Decision 2014/12/R include requirements for the level of protection that should be provided. However, Note 1 to paragraph 9.2.6 of ICAO Annex 14 concerning the categorisation of aerodromes serving exclusively all-cargo flights have not yet been taken into consideration.

It is, therefore, necessary to develop a methodology in order to apply the reduction of the level of protection of rescue and firefighting services in a uniform manner as well as to determine the required rescue and firefighting level of protection for those aerodromes serving all-cargo or mail flights, taking also into account the task and resource analysis for rescue and firefighting services.

## 2. Objectives

The objective of this rulemaking task is to ensure a high and uniform level of safety by establishing minimum medical standards for rescue and firefighting personnel required to act in aviation emergencies. It will also ensure that the level of protection for rescue and firefighting at aerodromes serving all-cargo or mail flights is proportionate to this type of traffic and their particular requirements, as well as to ensure a more clear implementation of the remission factor in general.

## 3. Activities

The following activities will be considered:

- Preparation of a Regulatory Impact Assessment (RIA)

- Development of the appropriate set of Implementing Rules as an amendment to Regulation (EU) No 139/2014 and ED Decision 2014/012/R, to include the requirements for rescue and firefighting personnel medical standards, the requirements for rescue and firefighting services level of protection at aerodromes serving all-cargo and mail flights and the conditions of the application of the 'remission factor' to the level of protection provided at an aerodrome in terms of firefighting.

#### **4. Deliverables**

- Publication of a Notice of Proposed Amendment (NPA);
- Publication of a Comment-Response Document (CRD) and an Opinion, including a Regulatory Impact Assessment (RIA); and
- Publication of a Decision.

#### **5. Focussed consultation**

Focussed consultation during the review of the comments to the NPA will be determined after the end of the NPA consultation period and may include:

- meetings with stakeholders;
- technical workshops; and
- RAG/TAGs and SSCC consultations (written or meetings).

#### **6. Profile and contribution of the rulemaking group**

The rulemaking group will be composed by members having:

- specific expertise in the provision of rescue and firefighting at aerodromes;
- specific expertise in the development of medical standards for rescue and firefighting personnel at aerodromes

Due to the specific nature of the task, the rulemaking group will be mainly composed by experts who have been involved in the development of medical standards for rescue and firefighting personnel or possess adequate knowledge or expertise in the provision of rescue and firefighting services at aerodromes or in the oversight of these services. Aerodrome operators, air operators and rescue and firefighting associations will also be included in the group to ensure that industry views and social issues are also addressed during the drafting phase.

The rulemaking group members are expected to provide data for the development of the Regulatory Impact Assessment.

## **7. Annex I: Reference documents**

### **7.1. Affected regulations**

- Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 44, 14.2.2014, p. 1)

### **7.2. Affected decisions**

- ED Decision 2014/012/R of 27 February 2014 adopting Acceptable Means of Compliance and Guidance Material to Regulation (EU) No 139/2014

### **7.3. Reference documents**

- ICAO Annex 14, Volume I
- ICAO Doc 9137, Part 1 'Airport Services Manual – Rescue and Firefighting Services'