

EASA

TERMS OF REFERENCE

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Regulatory reference:

- REGULATION (EC) No 1592/2002 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (OJ L 240, 7.9.2002,p.1)
- COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE EUROPEAN PARLIAMENT, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS; Extending the tasks of the European Aviation Safety Agency - an agenda for 2010 (COM (2005) 578 final from 15 November 2005)

Reference documents:

- ICAO Annexes 11 and 14, ICAO Doc 9774
- Draft Regulations of Group of Aerodrome Safety Regulators (GASR)
- Preliminary Impact Assessment on the Extension of EASA competences to ANS, ATM and Airports, carried out on behalf of the European Commission, Final Report dated 15 September 2005

1.Subject:

Extension of the scope of the Basic Regulation to safety and interoperability regulation of airports.

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

A harmonised total system approach is vital to provide for a high level of safety and efficiency in civil aviation. Application of this concept at European level would make it possible to improve the current situation by facilitating the coordination between the ground-based and air-based aspects of air safety. A single consistent regulatory framework, covering aspects of safety and interoperability, would be required for this purpose. Moreover, in order to ensure an effective and harmonised application of common rules, a system of regular supervision and inspection of compliance should obviously be established.

In Europe no common rules are yet in place for safety regulation of airports. In the Single European Sky legislation, safety regulation of airports is only addressed in as much as an airport provides ANS/ATM services. This is a limited aspect compared to all the services provided by an airport with an impact on civil aviation safety in Europe, and which therefore need to be regulated.

However, the current framework for the regulation of airports is set by ICAO standards and recommended practices. These standards are mainly related to airport design, safety equipment and certification but also include built-in provisions providing for interoperability, allowing an aircraft from any contracting State to use airports located in any other with the same level of protection. Nonetheless, this regulatory framework as such leaves a large discretion to Member States for its implementation thus not permitting for neither common safety regulations or for harmonised implementation methods.

A need for consistent regulatory framework should also be seen in relation to the anticipated changes in the field. With the increase in air traffic, new needs are emerging; it is necessary to manage infrastructure more flexibly and to create additional capacity, while containing costs. It is also necessary to reduce delays and the environmental impact of airport operations. To this

end, new safety regulations and implementation methods, in line with the existing ICAO Standards and Recommendations, will need to be put in place to guarantee a satisfactory level of safety and interoperability within the European aviation system. It is preferable that such regulations be designed and methods controlled at European level to provide for the uniformity of protection required by the European citizens. This is also the best way to ensure that differences will not affect the overall efficiency of the system. Uniformity of rules and their harmonised implementation would also contribute to maintain a level playing field in the internal market.

The Preliminary Impact Assessment executed at the request of the Commission (see above) concludes that the most appropriate option to implement the total system approach would be the extension of EASA competences. The European Commission has invited the Agency to start working in this field and the Agency's 2006 Work Programme includes the issuing of an Opinion on the safety regulation of airport services.

3.Objective:

Develop essential requirements and basic principles for the safety and interoperability regulation of airports.

4. Specific tasks and interface issues (Deliverables):

- To deliver a draft EASA Opinion on airport safety and interoperability regulation, accompanied with a proper justification, containing:
 - proposals for basic principles for; safety objectives, definitions, scope, applicability, means of compliance, flexibility
 - draft essential requirements for ensuring appropriate safety
- Without compromising the basic objectives of safety and interoperability, due account on proportionality, subsidiarity and economical impacts has to be taken
- It is also necessary, when considering the development of common safety rules, to ensure that the interoperability objectives contained in ICAO Standards and Recommendations are also taken into consideration so as to avoid disrupting the global system they underpin.
- ANS/ATM services at airports will not be addressed in this task. Agency Task BR.003 will cover all aspects, gate to gate, of ANS/ATM safety.

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

The drafting of the Opinion containing envisaged basic principles and essential requirements will be carried out by the Agency.

Draft essential requirements will be developed by a GASR task force through (and assisted by) JAA, in co-operation with the Agency and the Commission.

6. Time scale, milestones:

GASR task force should submit the draft essential requirements for EASA during March 2006.

The draft EASA NPA should be published in April 2006.

The EASA Opinion should be issued by the end of 2006.