

DRAFT Commission Delegated Regulation (EU) xx laying down requirements and administrative procedures related to ground handling services pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council

Article 1 Subject matter and scope

1. This Regulation lays down detailed rules on:
 - (a) the conditions and procedures for the provision of ground handling services, other than air traffic services regulated by Commission Regulations (EU) 2017/373 and (EU) 923/2012, which are necessary for an aircraft's arrival at, and departure from aerodromes within the scope of Regulation (EU) 2018/1139, and the organisations providing those services;
 - (b) the conditions and procedures for the declaration by ground handling service providers as referred to in point 2 of Article 37 of Regulation (EU) 2018/1139 and as set out in Annex III (Part-ORGH) of this Regulation;
 - (c) the conditions for ground handling service providers to discharge their responsibilities for the safe operation of their activities as set out in Annex III (Ground Handling Organisation requirements Part ORGH) and Annex IV (the operational requirements Part GH.OPS) of this Regulation;
 - (d) the conditions under which the provision of ground handling services will be suspended or limited by the competent authority, subject to certain conditions in the interest of safety;
 - (e) the oversight of ground handling service providers by the competent authority as set out in Annex II (Part-ARGH).
2. This Regulation shall cover the organisational and safety aspects of the following ground handling activities when these are provided at an aerodrome within the scope of Regulation (EU) 2018/1139:
 - (a) Ground supervision consisting of operational supervision of GH services and representation at an aerodrome;
 - (b) Passenger and baggage acceptance;
 - (c) Passenger handling related to gate and boarding activities;
 - (d) Cargo and mail handling;
 - (e) Aircraft handling on the apron, including baggage handling, aircraft loading, loading supervision, and unloading;
 - (f) Aircraft services, including de-icing and anti-icing of the aircraft;
 - (g) Fuel handling and handling of other types of energy used by aircraft for propulsion;
 - (h) Operation of ground support equipment (GSE) and other vehicles around the aircraft.
3. Notwithstanding point 3, ground supervision activities, when performed by an aircraft operator as self-handling, shall be subject to the organisational requirements of Annex III to Regulation (EU) 965/2012.
4. Flight dispatch activities shall be subject to Regulation (EU) 965/2012 for air operations under the requirements related to the system of operational control used by an aircraft operator.

5. Load control activities related to load planning, mass and balance calculations and production of load control related documents shall comply with the relevant requirements of Regulation (EU) 965/2012 on air operations.
6. Activities related to aircraft oil handling shall be subject to Regulation (EU) No 1321/2014 on continuing airworthiness.

Rationale:

Point 1.a. uses the ICAO definition of GH services.

Points 2 to 6 reflect the definition of GH services from Reg. (EU) 2018/1139, which includes all the GH services listed in the Annex to the Council Directive 96/67/EC on access to the GH market at Community airports. That list is also reflected in ICAO Doc 10121 (Ground Handling Manual).

Point 3 clarifies that the ground supervision activities when performed by the aircraft operator itself at the aerodromes where it operates are already included in its management system and should not be required to be subject to the provisions of this regulation and the declaration regime. Indeed, it is considered that applying the declaration regime to these activities would not bring added value to the safety performance and are sufficiently mitigated under the management system of the aircraft operator. However, when this service is provided by a third-party service provider, those GHSP and the service will be subject to this regulation.

Point 4 clarifies the regulatory regime for flight dispatch activities, which is closely linked to flight operations and developed in direct connection to the operational control system of the aircraft operator.

Point 5 clarifies that the scope of this regulation does not cover the providers of load control services related to load planning, mass and balance calculations and production of related documents, which will continue to be regulated under Regulation (EU) No 965/2012 and will be under the management system of the air operators.

The group of experts contributing to this RMT discussed with particular interest the load control and flight dispatch functions included in the Basic Regulation definition of ground handling services.

The flight dispatch function is organically integrated within the operational control system of an aircraft operator and therefore considered a flight operations function, which will be addressed in Regulation (EU) 965/2012 on air operations. The load control function is also intrinsically linked to the aircraft operator specific fleet and type of operation, but it can be provided by a GHSP at an aerodrome, as part of the GH service offer available at that aerodrome, or it can be done by the operator itself, either by its own personnel or outsourced to a remote provider as a contracted activity under ORO.GEN.205 of Reg. (EU) 965/2012.

As far as the flight dispatch services are concerned, there is full agreement between the ground handling experts and the flight dispatcher experts that this function should be developed and standardised under Regulation (EU) No 965/2012 and performed under the management system and operational control method of the aircraft operator. Consequently, this activity is overseen by the competent authority of the aircraft operator during its audits and inspections as per Reg. (EU) 965/2012, as it is today.

The problem posed by load control services was more controversial and required more thought. First, one needs to clarify that load control entails two distinct parts:

- 1. a first part, the planning and calculations phase: a set of activities that require only a computer and an internet connection: load planning, mass&balance calculation, production of related documents. These activities can be executed from almost anywhere in the world; and*
- 2. a second part, the actual loading phase: this takes place at an aerodrome, and is linked to the actual loading of passengers, cargo and baggage on the aircraft and verification of the loading, to correspond to the loading instructions and to mark any last-minute changes to the loadsheet.*

On some EU aerodromes, load control – including the load planning, mass&balance calculations and production of related documents – is listed as a GH service offered by a GHSP to air operators using those aerodromes. If the load control (LC) is a service provided at an aerodrome, it would be overseen by the competent authority of the aerodrome operator, as the LC service is provided at the aerodrome. This scenario would fit the definition of GH services in the BR and the responsibilities for the oversight by the competent authority of the aerodrome where this service is provided.

However, an air operator can choose not to contract the LC service (i.e. the planning set of LC activities) from that GHSP at that aerodrome. The air operator may perform the LC planning function with its own qualified personnel or may outsource it – for all its flights – to a remote provider whose office is located outside an aerodrome. Today there are several such centralised LC offices located in various places in the world that provide LC services to many aircraft operators as a contracted activity under ORO.GEN.205 of Regulation (EU) 965/2012. When the LC planning function is executed by a remote provider, this is a contracted service under the full responsibility and control of the air operator. In such a case, it is almost impossible to put the LC planning function under the oversight of the competent authority of an aerodrome because that service is not provided at an aerodrome. In such a case, the definition of GH services of the Basic Regulation would not apply, and the service would fall out of scope of the GH regulation. This creates an unbalanced situation and a level-playing field issue between those LC service providers who offer this service at an aerodrome and those who offer this service from a remote location.

To solve this problem and remove the level-playing field issue, it is proposed that the load control activities related to load planning, mass&balance calculations and production of related documents remain under the direct control and responsibility of the aircraft operator; when executed by a remote service provider, this would follow the requirements of ORO.GEN.205 of Reg. (EU) 965/2012.

Only the load control function related to actual loading of the aircraft and loading supervision would then remain under the responsibility of the GHSP at the aerodrome and would be overseen by the competent authority of the aerodrome where this service is provided.

ORO.GEN.205 of Reg. (EU) 965/2012 would have to be adjusted to allow a better articulation with the future GH regulation and the new responsibilities of a GHSP under the new regulation.

Point 6 identifies oil handling as a typical maintenance activity, which is not performed by ground handling service providers but by maintenance personnel.

It is also likely that, following legal review, points 3 to 6 do not even need to be included in this Regulation but only would require an amendment to Reg. (EU) 965/2012 on air operations and respectively Reg. (EU) 1321/2014 on continuing airworthiness (Part-M).

GM1 to Article 1.1 Subject matter and scope

GROUND HANDLING SERVICES PROVIDED FROM A REMOTE LOCATION

Organisations providing ground handling services from a location other than an aerodrome subject to Regulation (EU) 2018/1139 and its delegated and implemented acts are not subject to this Regulation. The services provided by such organisations are included under the management system of the aircraft operator as contracted activities and are regulated by Regulation (EU) No 965/2012.

Rationale

This GM clarifies that organisations providing GH services from a remote location, which is outside an aerodrome within the scope of the Basic Regulation, are not subject to this Regulation. This is the case, for example, of providers of load control services that provide parts of the load control services (such as the

functions of mass&balance calculations and production of loadsheets and other load-control related documents pertaining to a flight) from a remote location.

Since the Basic Regulation does not include the concept of principal place of business for a GHSP but only the provision of GH services at an aerodrome, such organisations providing services remotely, regardless of their location outside an aerodrome, are not within the scope of this Regulation.

GM1 to Article 1.2 Subject matter and scope

GH SERVICES

- (a) Passenger handling includes any kind of assistance to arriving, departing, transfer or transit passengers, including, where applicable, checking tickets and travel documents, registering baggage and carrying it to the sorting area.
- (b) Baggage handling includes the following activities (not all of them may be applicable in all circumstances):
 - (1) build up,
 - (2) sorting,
 - (3) loading it onto and unloading it from the devices designed to move it from the aircraft to the sorting area and vice versa,
 - (4) transportation between the sorting area and the aircraft or reclaim area.
- (c) Cargo and mail handling includes:
 - (1) cargo warehouse activities including pallet build up,
 - (2) cargo transportation between the warehouse at the aerodrome and the aircraft,
 - (3) segregation in the storage area, during storage and handling ,
 - (4) handling of related documents,
 - (5) any additional procedures agreed between the parties or required by customs and security,
 - (6) handling and storage of unit load devices (ULD) on the aerodrome premises;
- (d) Aircraft handling on the apron includes the following ramp handling activities:
 - (1) assistance to aircraft parking, other than those covered by the apron management services, and aircraft securing on the ground,
 - (2) loading and unloading of the aircraft (cargo, mail, baggage), including provision and use of suitable devices, segregation in the aircraft cargo compartment;
 - (3) communication between the aircraft and the airside supplier of services, when these services are not provided by the ATC,
 - (4) provision and operation of appropriate units for engine starting (ground power unit (GPU), air starter unit (ASU)),
 - (5) operation of passenger stairs and bridge,
 - (6) the moving of the aircraft on the ground and the provision and operation of suitable devices (towing and pushback),

- (7) loading, unloading and transport of catering between the aircraft and the storage area on the aerodrome.
- (e) Aircraft servicing includes, besides de-icing and anti-icing:
 - (1) external and internal cleaning – only apron movements with vehicle approaching and leaving the aircraft,
 - (2) toilet and water services – only apron movements, loading and unloading from the aircraft;
- (f) Fuel handling includes the organisation and execution of fuelling and defueling operations, including the storage of fuel and the control of the quality and quantity of fuel deliveries. This includes the use of other types of energy for aircraft propulsion than traditional fuel.
- (g) Operation of ground support equipment and other vehicles around the aircraft includes transport of aircrew, passengers and baggage between the aircraft and the terminal, including passengers with reduced mobility.

Rationale

This GM contains additional clarifications to some of the GH services included in the implementing rule.

Article 2 Definitions

1. Ground handling service provider means any of the following organisations that provide services at aerodromes within the scope of Regulation (EU) 2018/1139:
 - (a) ground handling service providers (GHSP) operating as stand-alone organisations,
 - (b) aircraft operators providing GH services to their own passengers and the aircraft in their fleet (self-handling),
 - (c) aerodrome operators providing ground handling services,
 - (d) providers of apron management services providing ground handling services.

[placeholder for definitions of terms used in the Cover Regulation and further in the Annexes]

GM1 to Article 2 Definitions

GROUND HANDLING SERVICE PROVIDER

The definition of the term 'ground handling service provider' (GHSP) considers the definition of GH services in Regulation (EU) 2018/1139. The GH services today are provided by different types of organisations. When the term 'GHSP' is used in this Regulation, it is understood to cover all the organisations identified in the definition, unless there is a clear specification in the rule when that rule is applicable only to some but not all of the organisations in the definition.

Article 3 Exemptions

1. A GHSP providing services at an aerodrome that is exempted from Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof in accordance with Article 2.7 of Regulation (EU) 2018/1139 shall be exempted from compliance with this Regulation from the date specified in the exemption decision issued by that Member State. In this case the national legislation of the Member State where that aerodrome is located shall apply.

Article 4 Principles of the provision of ground handling services

1. The GHSP shall develop a management system appropriate to the scope of its activities and the operational context, to manage the safety risks, to aim for continuous improvement of this system, and to ensure fostering a safety culture within its organisation. This management system shall integrate all the systems and processes necessary for the discharging of the GHSP's responsibilities.
 - (a) An aircraft operator that performs or intends to perform self-handling shall integrate the elements specific to the provision of GH services into its current management system.
 - (b) An aerodrome operator or a provider of apron management services that provides or intends to provide ground handling services shall integrate the elements specific to the provision of GH services into its current management system.
2. The GHSP shall provide services in accordance with the procedures and instructions of the aircraft operator it serves. Where aircraft operators do not have such procedures, the GHSP shall provide services in accordance with its own procedures and instructions developed for the specific aircraft type that is being serviced.
3. The GHSP shall comply with the procedures contained in the aerodrome manual applicable to its services, including those related to the movement of its vehicles, equipment and personnel, and the risks related to aerodrome operations in winter, at night, and in adverse weather conditions.
4. The GHSP shall operate in accordance with its ground handling service manual. Such a manual shall be developed in accordance with the requirements set out in Annex III (Part-ORGH) of this Regulation.
 - (a) For an aircraft operator performing self-handling, the content of a ground handling service manual may be integrated in its operations manual.
 - (b) For an aerodrome operator providing ground handling services, the content of a ground handling service manual may be integrated in its aerodrome manual.

Rationale

Point 1 is partly BR point 4.2.1, but with a special highlight on the safety culture, which is included in any SMS. The safety culture includes the just culture component, and both are extremely important for the GH domain, as practice shows poor reporting culture either for lack of understanding of the GH role in the aviation safety chain, or for lack of a just culture.

Points 2 and 3 reflect the BR provisions of Annex VII points 4.1(b) and (c). At the same time point (2) covers the case when aircraft operators use an aerodrome at an ad-hoc basis and the GHSP do not have the operational procedures for servicing that aircraft/aircraft operator. Still this point needs to be further checked from legal perspective.

Point 4. is built upon point 4.2.3 in Annex VII BR regarding the GHS manual, with elements from 4.2.1 and 4.1.(e), and considering the results of discussions within the group of experts, that indicated the need to adapt the instructions and procedures to the context in which the GHSP provides its services. This means that the

procedures have to take into account the type of aircraft – aeroplane, helicopter, etc., the energy used for propulsion, the type of operation – CAT, NCC, NCO, SPO, etc., the aerodrome size and traffic congestion, geographical location, climatic conditions, etc.

At the same time, points 2 and 4. referring to the GHSP's own instructions and procedures are intended to cover also the case when the aircraft operator has not provided the GHSP with the specific procedures and instructions for the handling of its aircraft. This could be the case of NCO operators which are not required to develop operational procedures for handling of their aircraft, or cases when the aircraft operator only uses an aerodrome once, e.g. in case of diversion to an aerodrome that is not regularly used.

Article 5 Declaration

1. The GHSP shall declare its capability and the availability of the means to discharge the responsibilities associated with the services provided in compliance with the essential requirements for GHSP by submitting a declaration to the competent authority of each Member State where the aerodrome(s) where it provides services is/are located.
2. The GHSP, including self-handling organisations, shall comply with the declaration requirements as set out in Annex III (Part OR-GH) of this Regulation.
3. By derogation from point (1), when a certified aerodrome operator intends to provide ground handling services, it shall:
 - (a) notify its competent authority,
 - (b) revise its management system and safety policy to include the provision of ground handling services,
 - (c) submit to the competent authority the training programme of the personnel intended to be employed for the provision of GH services, and
 - (d) include the ground handling elements in its aerodrome manual and adjust its policy on the management of changes.
4. The declarations shall be valid and recognised in all Member States without further requirements or evaluation, as per Article 67 (1) of Regulation (EU) 2018/1139.

Rationale

This article is a reflection of Article 37 (2) of the BR. It is formulated so as to address other organisations that provide or intend to provide GH services, such as aircraft operators or aerodrome operators. It is drafted by the model of the requirements related to the provision of apron management services.

This article clarifies that aerodrome operators are not required to submit a declaration when they intend to provide GH services because they are already certified by the competent authority of the state where they are located. The certification process requires a deeper level of initial verification by the competent authority before granting the certification than a GHSP would require when submitting a declaration. The certification process also includes the aerodrome operator's management system.

The proposed rule, according to which the aerodrome operator does not need to submit a declaration when providing GH services, does not mean, however, that the aerodrome operator is exempted from complying with this Regulation if it provides GH services; it may inform the competent authority by different means and shall comply only with the requirements that cover the different elements needed for the proper discharge of GH responsibilities. The intention is to avoid any duplication of the same processes and requirements.

Instead, aircraft operators providing GH services need to submit a declaration to the NCA of the State where they ensure self-handling. This approach is considering the different nature of an air operator's organisation compared to an aerodrome operator. As aircraft operators are registered in a MS that could be different from the location of the aerodrome where they perform self-handling, and since it is expected that there may be more than one such aerodrome, it is important that the competent authorities of those aerodromes used by the air operator are informed of the self-handling services provided at the aerodromes under their oversight.

Point (4) reflects point 1 of Article 67 BR.

Article 6 Oversight of ground handling service providers

1. Member States shall designate one or more entities as the competent authority within that Member State with the necessary powers and responsibilities for the oversight and enforcement tasks regarding organisations providing ground handling services at the aerodromes within the scope of Regulation (EU) 2018/1139.
2. Member States shall ensure that competent authorities exercise their powers impartially and transparently.
3. If a Member State designates more than one entity as competent authority the following conditions shall be fulfilled:
 - (a) each competent authority shall be responsible for specifically defined tasks and a determined geographic area; and
 - (b) coordination shall be established between these authorities in order to ensure effective oversight of all ground handling service providers.
4. Member States shall ensure that competent authority has the necessary capabilities and resources to fulfil their requirements under this Regulation.
5. Member States shall ensure that competent authorities' personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest, in particular when relating to family or financial interest.
6. Personnel authorised by the competent authority to carry out oversight tasks shall be empowered to perform at least the following tasks:
 - (a) examine the records, data, procedures and any other material relevant to the execution of the certification and/or oversight task;
 - (b) take away copies of or extracts from such records, data, procedures and other material;
 - (c) ask for an oral explanation on-site;
 - (d) enter relevant premises, operating sites or other relevant areas and means of transport;
 - (e) perform audits, investigations, tests, exercises, assessments, inspections;
 - (f) take or initiate enforcement measures as appropriate.

Rationale

This Article is drafted after the model of Article 3 of Reg. (EU) 139/2014 on aerodromes.

Article 7 Interfaces

1. The GHSP, the aerodrome operator, and the aircraft operators to which the GHSP provides services at that aerodrome shall establish a process to ensure close coordination and mutual communication of safety relevant information to improve and maintain safe operations.
2. These stakeholders shall establish interfaces for the common operational processes, to address operational policies and procedures implemented at each aerodrome of operation.
3. The responsibilities of each stakeholder involved in the GH activities shall be identified and their roles clearly defined and documented in their procedures.

GM1 to Article 7.1 Interfaces

COMMUNICATION

The communication of safety relevant information is recommended to occur also outside the regulatory framework of occurrence reporting as per ORGH.GEN.160 that implements the essential requirements of Reg. (EU) 2018/1139 (point 4.2.2 of Annex VII). For example, the aerodrome safety committee meetings (see AMC1 ADR.OR.D.027) could be used to keep regular communications on safety matters and share good practices, common procedures, and safety information relevant for the interface processes.

GM1 Article 7.2 Interfaces

ASPECTS TO BE COVERED BY THE INTERFACES

This GM is developed considering the guidelines for establishing operational interfaces provided in ICAO Doc 10121 Manual on Ground Handling. The main stakeholders to which this GM refers are GHSP, air operators and aerodrome operators.

Not all stakeholders will have a role to play in each of the operational procedures that are part of the interfaces. In order to avoid any confusion in this sense, it is important that they clarify their responsibilities and tasks for each of the common activities and that their personnel are familiarised with them.

For example, the air operator is responsible to establish procedures and instructions for the safe operation of each aircraft in its fleet, and the GHSP is responsible to provide the GH services in accordance with those procedures and instructions. This means that the air operator and the GHSP need to have a process for coordination to ensure the management of safety risks in operations. For this purpose, the SMS of both the air operator and the GHSP need to be compatible and complementary for the common interface elements.

In cases where processes and policies are not provided by an air operator, for instance in the case of general aviation or flight diversion, the GHSP should use the policies and procedures in its own ground handling services manual.

The operational interfaces should identify the clear tasks and responsibilities for the following processes and activities:

1. For the aerodrome operator, air operator(s), and the GHSP:
 - (a) General safety elements:
 - (i) Walking and working airside
 - (ii) Foreign object debris (FOD)
 - (iii) General safety during fuelling (more guidance is provided in ICAO Doc 9977)
 - (iv) Adverse weather conditions

- (v) General awareness of dangerous goods (more guidance is provided in Doc 9977)
- (b) Turnaround activities:
 - (i) Aircraft arrival
 - (ii) Passenger boarding bridges and passenger stair
 - (iii) Ground power and preconditioned air
 - (iv) Aircraft fuelling
 - (v) Toilet and potable water services
 - (vi) Catering services
 - (vii) Air start unit (ASU)
 - (viii) Aircraft departure
 - (ix) Towing
 - (x) Aircraft de-icing and anti-icing.
- 2. For the air operator(s) and the GHSP:
 - (a) General safety elements:
 - (i) Compatibility of the SMS elements of both stakeholders, including ERP
 - (ii) Ongoing management of safety risks
 - (iii) Sharing of safety-relevant information
 - (iv) Equipment approaching the aircraft
 - (b) Turnaround activities:
 - (i) Turnaround coordination
 - (ii) Load planning
 - (iii) Loading and unloading
 - (iv) Elevating equipment.
- 3. For the aerodrome operator and the GHSP:
 - (a) General safety elements:
 - (i) Vehicle and equipment operation.

Article 8 Grandfathering provisions

- 1. For the organisations that have been providing GH services before this Regulation becomes applicable, Member States shall establish a conversion report in consultation with the Agency. The conversion report shall describe:
 - (a) The national requirements on the basis of which the organisations providing GH services in each MS were providing services
 - (b) the differences between the national requirements on the basis of which the GHSP have been operating and the requirements of Annexes III and IV,

- (c) together with an indication of how and when the organisations will be required to ensure full compliance with those Annexes.
2. The conversion report shall include copies of all documents necessary to demonstrate the elements set out in point 1, including copies of the relevant national requirements and procedures.
 3. However, the organisations subject to the provisions of this Article shall adapt their management system, training programmes, manuals and procedures, and the maintenance programme of the ground support equipment and shall submit a declaration to their competent authority in accordance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof no later than [the same with the date of application of this regulation].

Rationale

This article enables the transition of GHSP, self-handling air operators and aerodrome operators that already provide GH services as per the national requirements of each Member State to the new system. It also indicates the conditions to be fulfilled in order to ensure a smooth transition of the new regime.

Article 9 Entry into force and application

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 [x years/months from the date of entry into force].

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

Done at Brussels, dd/mm/yyyy

Rationale

The date of entry into force will be decided by the European Commission and the Member States.