



# Explanatory Note to Decision 2020/021/R

## Requirements for the provision of apron management services at aerodromes

RELATED NPA/CRD: 2013-24 — OPINION NO 02/2014 — RMT.0485

### EXECUTIVE SUMMARY

The objective of this Decision is to maintain a high level of safety and to provide cost-efficient rules in the field of aerodrome operations and specifically in the provision of apron management services (AMS) at aerodromes. Moreover, this Decision aims to support the harmonisation of the EU regulatory framework with the relevant International Civil Aviation Organization (ICAO) provisions (ICAO Annex 14 Volume I ‘Aerodrome Design and Operations’, 8th Edition). It further aims to maintain a level playing field, and ensure the harmonised implementation of the provisions of Commission Regulation (EU) No 139/2014, as amended by Commission Delegated Regulation (EU) 2020/1234 which was adopted following the publication of EASA Opinion No 02/2014 ‘Requirements for apron management services at aerodromes’ on 24 September 2014.

This Decision amends the Acceptable Means of Compliance (AMC) and Guidance Material (GM) to Annex II (Part-ADR.AR), Annex III (Part-ADR.OR) and Annex IV (Part-ADR.OPS) to Commission Regulation (EU) No 139/2014.

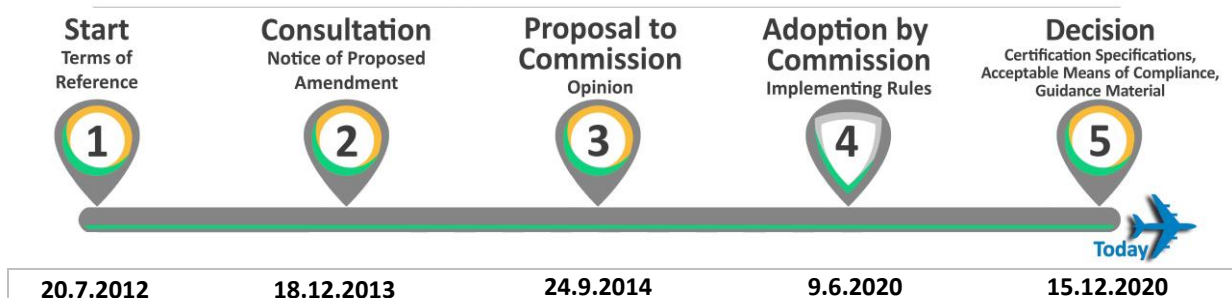
The amendments to the AMC and GM cover different areas, such as:

- the submission of declarations by organisations responsible for the provision of AMS and their acceptance by the competent authorities;
- the oversight of such organisations by the competent authorities;
- the management system requirements for organisations responsible for the provision of AMS;
- the AMS operational procedures;
- the apron safety;
- and training of personnel involved in the provision of AMS.

The amendments are expected to increase safety, improve harmonisation and provide a level playing field and, finally, address two ICAO Universal Safety Oversight Audit Programme (USOAP) findings that were issued to the European Union Aviation Safety Agency (EASA).

<b>Action area:</b>	Aerodromes		
<b>Related rules:</b>	AMC and GM to Annex II (Part-ADR.AR), Annex III (Part-ADR.OR) and Annex IV (Part-ADR.OPS) to Commission Regulation (EU) No 139/2014		
<b>Affected stakeholders:</b>	Aerodrome operators; air traffic services (ATS) providers; organisations responsible for the provision of apron managements services (AMS); national aviation authorities (NAAs)		
<b>Driver:</b>	Level playing field	<b>Rulemaking group:</b>	Yes
<b>Impact assessment:</b>	Yes	<b>Rulemaking Procedure:</b>	Standard

● EASA rulemaking process



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## 1. About this Decision

The European Union Aviation Safety Agency (EASA) developed ED Decision 2020/021/R in line with Regulation (EU) 2018/1139<sup>1</sup> ('Basic Regulation') and the Rulemaking Procedure<sup>2</sup>.

This rulemaking activity is included in the European Plan for Aviation Safety (EPAS) for 2020–2024<sup>3</sup> under rulemaking task (RMT).0485. The scope and timescales of the task were defined in the related Terms of Reference<sup>4</sup>.

The *draft* text of this Decision has been developed by EASA based on the input of Rulemaking Group (RMG) RMT.0485. All interested parties were consulted through Notice of Proposed Amendment (NPA) 2013-24 'Requirements for apron management services at aerodromes'<sup>5,6</sup>. During the public consultation of the NPA, EASA received 1 187 comments from 48 different stakeholders, including aerodrome operators, industry, national aviation authorities, air traffic services (ATS) providers and professional aerodrome associations.

EASA reviewed the comments received during the consultation. The comments received and the EASA responses to them were presented in Comment-Response Document (CRD) 2013-24<sup>7</sup>. Based on the comments received, EASA published Opinion No 02/2014 'Requirements for apron management services at aerodromes'<sup>8</sup> on 24 September 2014, which was addressed to the European Commission. Commission Delegated Regulation (EU) 2020/1234<sup>9</sup> was adopted on 9 June 2020.

The *final* text of this Decision, with the amended AMC and GM, has been developed by EASA. Some parts of the proposed regulation and the associated AMC and GM have been redrafted in order to align them with the essential requirements for organisations responsible for the provision of AMS in the Basic Regulation. Further details are provided in Chapter 2.

The major milestones of this rulemaking activity are presented on the title page.

<sup>1</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1535612134845&uri=CELEX:32018R1139>).

<sup>2</sup> EASA is bound to follow a structured rulemaking process as required by Article 115(1) of Regulation (EU) 2018/1139. Such a process has been adopted by the EASA Management Board (MB) and is referred to as the 'Rulemaking Procedure'. See MB Decision No 18-2015 of 15 December 2015 replacing Decision 01/2012 concerning the procedure to be applied by EASA for the issuing of opinions, certification specifications and guidance material (<http://www.easa.europa.eu/the-agency/management-board/decisions/easa-mb-decision-18-2015-rulemaking-procedure>).

<sup>3</sup> [https://www.easa.europa.eu/sites/default/files/dfu/EPAS\\_2020-2024.pdf](https://www.easa.europa.eu/sites/default/files/dfu/EPAS_2020-2024.pdf)

<sup>4</sup> ToR RMT.0485 and 0465 'Requirements for apron management services for aerodromes' Issue 1 (<https://www.easa.europa.eu/document-library/terms-of-reference-and-group-compositions/tor-rmt0485-and-0465>).

<sup>5</sup> <https://www.easa.europa.eu/document-library/notices-of-proposed-amendments/npa-2013-24>

<sup>6</sup> In accordance with Article 115 of Regulation (EU) 2018/1139, and Articles 6(3) and 7 of the Rulemaking Procedure.

<sup>7</sup> <https://www.easa.europa.eu/document-library/comment-response-documents/crd-2013-24>

<sup>8</sup> <https://www.easa.europa.eu/document-library/opinions/opinion-022014>

<sup>9</sup> Commission Delegated Regulation (EU) 2020/1234 of 9 June 2020 amending Regulation (EU) No 139/2014 as regards the conditions and procedures for the declaration by organisations responsible for the provision of apron management services (OJ L 282, 31.8.2020, p. 1) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R1234&qid=1605196959387>).

## 2. In summary — why and what

### 2.1. Why we need to amend the AMC and GM — issue/rationale

The provision of AMS at aerodromes is part of the aerodrome operations. Different organisations may provide these services, for example, aerodrome operators, ATS providers, or both aerodrome operators and ATS providers, or independent, third-party providers.

The establishment of a dedicated entity to provide AMS at an aerodrome is not a requirement. This decision is normally taken by the aerodrome operator based on various factors such as traffic density, complexity of the apron, visibility conditions, etc. However, the proper operation of the apron requires the establishment of procedures and an adequate level of training for personnel involved in apron management operations.

Some of the procedures required to ensure safe operations at the apron are established in Commission Regulation (EU) No 139/2014, while the rest are established in Commission Delegated Regulation (EU) 2020/1234.

The amended AMC and GM aim to facilitate the following:

- The adaptation of the Authority Requirements of Commission Regulation (EU) No 139/2014 to include the declaration and the oversight of organisations responsible for the provision of AMS.
- The adaptation of the Organisation Requirements of Commission Regulation (EU) No 139/2014 to include organisations responsible for the provision of AMS, using the same approach as for aerodrome operators, but providing proportionate measures, taking into consideration the size of the organisation and its scope of activities.
- The introduction of new operational requirements for aerodrome operators and organisations responsible for the provision of AMS related to operations at the apron, including training requirements for personnel involved in the provision of AMS, taking into account the existing training requirements for aerodrome operations personnel and in the provision of ATS.

### 2.2. What we want to achieve — objectives

The overall objectives of the EASA system are defined in Article 1 of the Basic Regulation. This Decision will contribute to the achievement of the overall objectives by addressing the issues outlined in Section 2.1.

The Explanatory Note to Opinion No 02/2014 presents in its Section 2.2 the specific objectives of the regulatory proposal this Decision is related to. The specific objectives of this Decision are directly linked to the objectives of the regulatory proposal and, in addition, aim to complement and amend the existing AMC and GM to Commission Regulation (EU) No 139/2014, taking into account the amendments introduced by Commission Delegated Regulation (EU) 2020/1234.



### 2.3. How we want to achieve it — overview of the amendments

Opinion No 02/2014 was based on the requirements of Regulation (EC) No 216/2008 (the former Basic Regulation) and more specifically on points (d) and (e) of Article 8a ‘Aerodromes’<sup>10</sup>, which state the following:

- ‘(d) organisations responsible for the operation of aerodromes shall demonstrate their capability and means to discharge the responsibilities associated with their privileges. These capabilities and means shall be recognised through the issuance of the certificate referred to in point (a). They may also be recognised through the issuance of a separate certificate if the Member State where the aerodrome is located so decides. The privileges granted to the certified organisation and the scope of the certificate, including a list of aerodromes to be operated, shall be specified in the certificate;*
- (e) by way of derogation from point (d), Member States may decide that providers of apron management services shall be allowed to declare their capability and means of discharging the responsibilities associated with the services provided.’*

Based on the above-mentioned points, at that time, the proposed regulation and the related AMC and GM contained provisions for both the certification and declaration of organisations responsible for the provision of AMS. Furthermore, in the absence of any essential requirements for AMS in Regulation (EC) No 216/2008, the proposed regulation contained provisions for an operations manual for the provision of AMS.

Regulation (EU) 2018/1139 (the Basic Regulation), which repealed Regulation (EC) No 216/2008, now contains detailed requirements for organisations responsible for the provision of AMS and how these services are provided and regulated. More specifically:

- Article 37(2) of Regulation (EU) 2018/1139 states the following:

*‘Organisations responsible for the provision of groundhandling services and **AMS** at aerodromes subject to this Regulation shall **declare** their capability, and the availability to them of the means, to discharge the responsibilities associated with the services provided in compliance with the essential requirements referred to in Article 33’;*
- Point 5 of Annex VII ‘Essential requirements for aerodromes’ of Regulation (EU) 2018/1139 states the following:

**‘5. APRON MANAGEMENT SERVICES (AMS)**

5.1. *The AMS provider shall provide its services in accordance with the operating procedures included in the aerodrome manual.*

5.2. *As appropriate for the type of activity undertaken and the size of the organisation, the AMS provider shall implement and maintain a management system, including safety management, to ensure compliance with the essential requirements set out in this Annex.*

<sup>10</sup> Consolidated text: 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 (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02008R0216-20160126>).

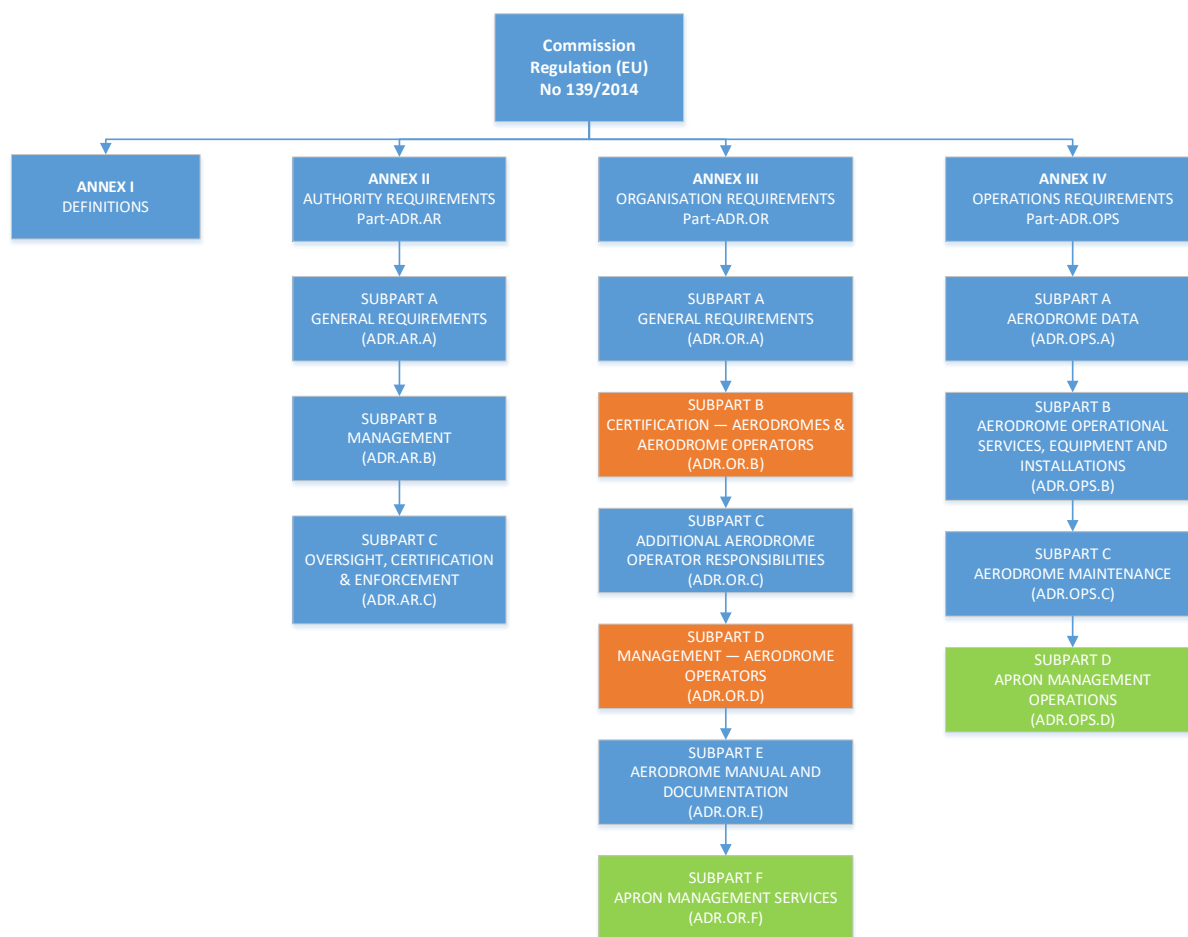
- 5.3. *The AMS provider shall establish formal arrangements with the aerodrome operator and the air traffic services provider describing the scope of the services to be provided.*
- 5.4. *The AMS provider shall establish an occurrence reporting system as part of the management system under point 5.2 in order to contribute to the aim of continuous improvement of safety. Without prejudice to other reporting obligations, the provider shall transmit all occurrences to the reporting system of the aerodrome operator and, if relevant, to that of the air traffic services provider.*
- 5.5. *The AMS provider shall participate in the safety programmes established by the aerodrome operator.'*
- In respect to the designation of the competent authority, this is specified in Article 62(4) of Regulation (EU) 2018/1139, which states the following:
- '[...] The national competent authority of the Member State where the aerodrome is located shall be responsible for those tasks with respect to the aerodrome certificate referred to in Article 34(1) and the certificate for an aerodrome operator referred to in Article 37(1)*
- That national competent authority shall also be responsible for the oversight and enforcement tasks with respect to organisations responsible for the provision of groundhandling or AMS at that aerodrome. [...]*

Due to the above, it was necessary to redraft the regulatory proposal included in Opinion No 02/2014 and the related AMC and GM in order to align them with the new requirements of Regulation (EU) 2018/1139 as follows:

- A declaration is the only form of recognition of organisations responsible for the provision of AMS; therefore, any reference to the certification of these services has been deleted.
- A management system, similar to that of aerodrome operators and ATS providers, is proposed for organisations responsible for the provision of AMS in order to accommodate cases where AMS are provided by these organisations.
- The requirement for an operations manual has been deleted since AMS are provided in accordance with the operational procedures included in the aerodrome manual.
- The responsibility for all operational procedures relating to AMS falls under the aerodrome operator.

In order to improve the readability of Commission Regulation (EU) No 139/2014 and avoid cross references within the Regulation, its structure has been changed, as shown in the following diagram:





The major amendments have been made to Annexes III and IV. More specifically:

- in Annex III, the organisational requirements for the aerodrome operator were separated from the requirements for the organisation responsible for the provision of AMS, therefore Subparts B and D refer to the aerodrome operator only, while the new Subpart F refers exclusively to the AMS provider;
- in Annex IV, ‘Subpart D’ has been added that refers to apron management operational procedures.

### Annex II (Part-ADR.AR) — Authority Requirements

In Subpart A, the following amendments have been made:

- In GM1 ADR.AR.A.010(b), ‘AMS provider’ has been added;
- AMC1 ADR.AR.A.030(d) has been deleted and the content has been transferred as point (e) to point ADR.AR.A.030;
- In GM1 ADR.AR.A.040(b), ‘AMS provider’ has been added.

In Subpart B, the following amendments have been made:

- In AMC2 ADR.AR.B.005(a)(2), ‘AMS provider’ has been added;
- In GM1 ADR.AR.B.005(a)(2), ‘AMS provider’ has been added;



- In GM2 ADR.AR.B.005(a)(2), ‘AMS provider’ has been added;
- In GM1 ADR.AR.B.010, the term ‘declared’ has been deleted because the declaration is the only available option for the acceptance of AMS providers; therefore, reference to ‘declaration’ is not required;
- In AMC1 ADR.AR.B.020(a)(4);(a)(5), the heading has been amended and the reference to ‘declaration’ has been deleted;
- In AMC1 ADR.AR.B.020(c), the heading has been amended and point (c) has been replaced in order to detail better the records that need to be retained by the competent authority for AMS providers;
- In GM2 ADR.AR.B.020(a), the heading has been amended and the reference to ‘management manual of the AMS provider’ has been added;

In Subpart C, the following amendments have been made:

- In AMC1 ADR.AR.C.010, the heading has been amended and ‘AMS provider’ has been added;
- In GM1 ADR.AR.C.010, the heading has been amended and ‘AMS provider’ has been added;
- In AMC1 ADR.AR.C.010(b), ‘AMS provider’ has been added;
- In AMC1 ADR.AR.C.010(b);(c), ‘AMS provider’ has been added;
- In AMC2 ADR.AR.C.010(b);(c), ‘AMS provider’ has been added;
- In GM1 ADR.AR.C.010(b), ‘AMS provider’ has been added;
- In GM2 ADR.AR.C.010(b), ‘AMS provider’ has been added.

### Annex III (Part-ADR.OR) — Organisation Requirements

The title of Subpart B has been amended and now refers to the certification of the aerodrome and the aerodrome operator.

In Subpart C, the following amendment has been made:

- In AMC1 ADR.OR.C.030, the reference to ‘AMS provider’ has been deleted because it is addressed in Subpart F.

The title of Subpart D has been amended and now refers to ‘aerodrome operators’ only.

Subpart F is added, which is dedicated to apron management services. The AMC and GM address the following issues:

- submission of declaration;
- termination of the provision of AMS;
- change management;
- management system;
- personnel requirements;
- record keeping; and
- management system manual.





The content of Subpart F is similar to the content applicable for aerodrome operators, where the differences are mainly in the submission of declaration, the termination of the provision of AMS, and in the management system manual.

#### **Annex IV (Part-ADR.OPS) — Operational Requirements**

‘Subpart D’ has been added, which is dedicated to apron management operations. The AMC and GM refer mainly to the aerodrome operator because all the procedures have to be included in the aerodrome manual; however, the rule provides enough flexibility for the aerodrome operator to allocate responsibilities to other organisations.

Furthermore, some provisions which were at AMC and GM level in Opinion No 02/2014 have been transferred to implementing rule level in order to ensure uniform applicability, a level playing field and legal certainty.



### 3. References

#### 3.1. Related 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)
- Commission Delegated Regulation (EU) 2020/1234 of 9 June 2002 amending Regulation (EU) No 139/2014 as regards the conditions and procedures for the declaration by organisations for the provision of apron management services (OJ L 282, 31.8.2020, p. 1)

#### 3.2. Related decisions

- Decision 2014/012/R of the Executive Director of the Agency of 27 February 2014 adopting Acceptable Means of Compliance and Guidance Material to Regulation (EU) No 139/2014 ('AMC/GM for Aerodromes – Initial Issue')

#### 3.3. Other reference documents

- ICAO Annex 14 'Aerodromes' — Volume I 'Aerodromes Design and Operations', 8th Edition, July 2018
- ICAO Doc 9137 'Airport Services Manual' — Part 8 'Airport Operational Services'
- ICAO Doc 9476 'Manual of Surface Movement Guidance and Control Systems (SMGCS)'

### 4. Related documents

- CRD to NPA 2013-24 'Requirements of apron management services at aerodromes'

