

## ANNEX II

# AUTHORITY REQUIREMENTS FOR GROUND HANDLING SERVICES (ARGH)

Explanatory Note – general:

*The authority requirements have been developed having in mind a smooth integration of the new domain into the existing management system of competent authorities. The new rules have been drafted in alignment with:*

- Regulation (EU) No 965/2012 on air operations<sup>1</sup>
- Regulation (EU) No 139/2014 on aerodromes<sup>2</sup>, including the latest updates coming from the amending Regulation (EU) 2020/1234 on apron management services,

*as ground handling is an interface domain par excellence. The authority requirements for ground handling will be aligned with the further updates in the other EASA domains coming from:*

- the alignment with the regulations on occurrence reporting<sup>3</sup>, as well as
- [EASA Opinion 03-2021 on cybersecurity](#) which includes requirements in the ground handling domain.

*More work will be done on certain rules, and further development of AMC and GM is envisaged too. One of them is the inspector qualifications and experience and cooperative oversight.*

## SUBPART GEN – GENERAL REQUIREMENTS (ARGH.GEN)

### ARGH.GEN.005 Scope

This Annex establishes requirements for the competent authorities responsible for the organisations providing ground handling services.

### GM1 ARGH.GEN.005 Scope

#### GROUND HANDLING SERVICE PROVIDERS

In this regulation, the term ‘organisations responsible for the provision of ground handling services’ means ‘ground handling service providers (GHSP)’.

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<sup>1</sup> Regulation (EU) No 965/2012 on air operations

<sup>2</sup> Regulation (EU) No 139/2014 on aerodromes

<sup>3</sup> Regulation (EU) No 376/2014 of the European Parliament and of the Council on the reporting, analysis and follow-up of occurrences in civil aviation; Commission Implementing Regulation (EU) 2015/1018 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014; and Commission Delegated Regulation (EU) 2020/2034 supplementing Regulation (EU) No 376/2014 of the European Parliament and of the Council as regards the common European risk classification scheme.

## ARGH.GEN.100 Competent authority

- (a) The competent authority designated by the Member State in which the aerodrome is located shall be responsible for the oversight of the providers of ground handling services and for receiving declarations from those organisations in accordance with Article 5 of this Regulation.

### *Rationale:*

*This implementing rule transposes the provisions of the Basic Regulation Art. 62.4.*

*It is important to clarify that the competent authority responsible for the oversight of ground handling services and the providers of these services — regardless of whether these service providers are independent GH organisations or are integrated parts of aircraft operators that provide GH services to their own passengers and aircraft — will be the competent authority of the aerodrome where the services are provided, with the few exceptions explained below.*

## ARGH.GEN.115 Oversight documentation

- (a) The competent authority shall provide the relevant legislative acts, standards, rules, technical publications and related documents to its relevant personnel in order to allow them to perform their tasks and to discharge their responsibilities.
- (b) The competent authority shall make available legislative acts, standards, rules, technical publications and related documents to GHSP and other interested parties to facilitate their compliance with the applicable requirements.

## GM1 ARGH.GEN.115(b) Oversight documentation

### AVAILABILITY OF DOCUMENTATION TO OTHER INTERESTED PARTIES

Legislative acts, standards, rules, technical publications, and other similar documents are made available, in a timely manner, to ground handling service providers (GHSPs) and any other party concerned in various ways and formats, such as via websites, the respective government's official gazette, or any other means.

The way to make such material available, including the possible application of fees, is for the competent authority to decide.

Making such documentation available is without prejudice to the application of rules regarding protection of intellectual property rights, or similar applicable legislation.

Other interested parties refers to local agencies that the competent authority allows to be brought in, depending on the arrangements in each Member State, or providers of services contracted by the GHSP, freight forward companies, shippers, providers, and any other organisations whose activity may be related to those of the GHSP.

## ARGH.GEN.120 Means of compliance

- (a) The Agency shall develop acceptable means of compliance (AMC) that may be used to establish compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts.

- (b) Alternative means of compliance may be used to establish compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts.
- (c) The competent authority shall establish a system to consistently evaluate that the alternative means of compliance used by itself or by ground handling service providers (GHSP) under its oversight comply with Regulation (EU) 2018/1139 and its delegated and implementing acts. That system shall include procedures to limit, revoke or amend alternative means of compliance if the competent authority has demonstrated that those alternative means of compliance do not comply with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on its basis.
- (d) The competent authority shall evaluate the alternative means of compliance proposed by a GHSP, in accordance with ORGH.GEN.120, by analysing the documentation provided and, if considered necessary, conducting an inspection of the GHSP.
- (e) When the competent authority finds that the alternative means of compliance proposed by a GHSP are in accordance with the implementing rules, it shall, without undue delay:
  - (1) notify the GHSP that the alternative means of compliance may be implemented;
  - (2) inform the Agency of their content, including copies of the relevant documentation;
  - (3) inform other Member States about alternative means of compliance that were accepted;
  - (4) inform the other GHSP under its oversight, if relevant.
- (f) If the competent authority itself uses alternative means of compliance to achieve compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts, it shall:
  - (1) make them available to the GHSP under its oversight if those alternative means of compliance are intended for use by GHSP;
  - (2) notify the Agency without undue delay; and
  - (3) provide the Agency with:
    - (i) a full description of the alternative means of compliance, including any revision to procedures that may be relevant; and
    - (ii) an assessment demonstrating that compliance with the delegated or implementing acts is achieved.

*Rationale: This implementing rule enables the GHSP and the competent authority to develop their own means to comply with the implementing rules.*

*As per the Basic Regulation, “‘alternative means of compliance’ mean those means that propose an alternative to an existing Acceptable Means of Compliance (AMC) or those that propose new means to establish compliance with Regulation (EU) 2018/1139 (Regulation (EC) No 216/2008 for CH, IS, LI and NO) and its Implementing Rules for which no associated AMC have been adopted by the Agency’.*

*Those AltMoCs developed by the authorities with the purpose to be used by GHSP would become applicable to all the GHSP under its oversight.*

*The complexity of the aviation sector makes it impossible to regulate aviation without having different levels of regulatory text. While in some cases it is appropriate, and even necessary, to use binding rules (Regulations), in other cases some flexibility needs to be provided by the regulatory system, through the use of non-binding standards (soft law). This need for a balanced approach has been universally recognised and has been implemented by all international organisations and national regulators.*

*AMCs are non-binding standards adopted by EASA in all regulated domains to illustrate means to establish compliance with the Basic Regulation and its implementing rules.*

*The AMCs issued by EASA cannot create additional obligations on the regulated persons, who may decide to show compliance with the applicable requirements using other means. However, as the legislator wanted such material to provide for legal certainty and to contribute to uniform implementation, it provided the AMC adopted by EASA with a presumption of compliance with the rules, so that it commits competent authorities to recognise regulated persons complying with EASA AMC as complying with the law.*

*Since AMCs are non-binding, competent authorities may choose alternative means to comply with the rule. In this case, however, they lose the presumption of compliance provided by the EASA AMC and must demonstrate to EASA that they do comply with the law.*

*The best of these AltMoCs submitted by industry and authorities will eventually become new AMCs. This is happening today in the other domains.*

*Note: This draft rule may suffer further changes, as alignment with the latest versions approved by Commission in other regulations is expected.*

## GM1 ARGH.GEN.120 Means of compliance

Alternative means of compliance used by a competent authority or by GHSP under its oversight may be used by other competent authorities or GHSP only if processed again in accordance with ARGH.GEN.020(d) and (e).

*Rationale:*

*This GM is added to clarify the case when an organisation or a competent authority wishes to use an AltMoC that was already published or notified by another organisation or competent authority.*

## AMC1 ARGH.GEN.120(e) Means of compliance

### DEMONSTRATION OF COMPLIANCE

In order to demonstrate that the implementing rules are met, a risk assessment of the proposed alternative means of compliance should be completed and documented. The result of the risk assessment should demonstrate that an equivalent level of safety to that established by the acceptable means of compliance (AMC) adopted by the Agency is reached.

*Rationale*

*The risk assessment is expected to cover the evaluation of the risk of an activity or action to which the AltMoC is proposed, as well as the proposed mitigating measures for that identified risk. If the result of the risk assessment indicates that the risk of that activity is mitigated, then the AltMoC can be considered to meet the objective of the implementing rule.*

## ARGH.GEN.125 Information to the Agency

- (a) The competent authority shall notify the Agency without undue delay of any significant problems with the implementation of Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof within 30 days from the time the competent authority became aware of such problems.

- (b) Without prejudice to Regulation (EU) No 376/2014 and the delegated and implementing acts adopted on the basis thereof, the competent authority shall provide the Agency with safety-significant information stemming from the occurrence reports stored in the national database, as soon as possible.

*Rationale*

*This implementing rule and the next one (ARGH.GEN.030) reflect the latest changes proposed to other regulations stemming from RMT.0681 that transposed the provisions of Regulation (EU) No 376/2014 on occurrence reporting. RMT.0681 published a Comment Response Document and the updated text was taken over and inserted in the latest amendments of Regulations on aircrew (R. (EU) 2020/2193 published in Dec. 2020), ATM&ANS (R. (EU) 2021/1338 published in Aug. 2021), CAMO (R. (EU) 2021/1963 published in Nov. 2021) and Air OPS (in progress).*

## AMC1 ARGH.GEN.125(b) Information to the Agency

### EXCHANGE OF SAFETY-SIGNIFICANT INFORMATION WITH THE AGENCY

Each competent authority should appoint a coordinator to act as the contact point for the exchange of safety-significant information between the competent authority and the Agency.

*Rationale:*

*This AMC and the next GMs are taken from the resulting text prepared for the Opinion of RMT.0681 and aligned with the other aviation regulations – Aircrew, ATM/ANS, CAMO, Air Ops, Aerodromes.*

## GM1 ARGH.GEN.125(b) Information to the Agency

### MEANING OF ‘SAFETY-SIGNIFICANT INFORMATION STEMMING FROM OCCURRENCE REPORTS’

‘Safety-significant information stemming from occurrence reports’ means a conclusive safety analysis that summarises individual occurrence data and provides an in-depth analysis of a safety issue, and which may be relevant for the Agency’s safety action planning.

## GM2 ARGH.GEN.125(b) Information to the Agency

### RECOMMENDED CONTENT FOR CONCLUSIVE SAFETY ANALYSES

A conclusive safety analysis should contain the following elements:

- (a) a detailed description of the safety issue, including the scenario in which the safety issue takes place;
- (b) an indication of the stakeholders affected by the safety issue, including types of operations and organisations;

and, as appropriate:

- (c) a risk assessment establishing the severity and probability of all the possible consequences of the safety issue;
- (d) information about the existing safety barriers that the aviation system has in place to prevent the likely consequences of the safety issues from occurring or to reduce those consequences;

- (e) any mitigating actions already in place or developed to address the safety issue;
- (f) recommendations for future actions to control the risk; and
- (g) any other element that the competent authority considers essential for the Agency to properly assess the safety issue.

### **ARGH.GEN.135 Immediate reaction to a safety problem**

- (a) Without prejudice to Regulation (EU) No 376/2014 and the delegated and implementing acts adopted on the basis thereof, the competent authority shall implement a system to appropriately collect, analyse and disseminate safety information.
- (b) The Agency shall implement a system to appropriately analyse any relevant safety information received and, without undue delay, provide Member States and the Commission with any information, including recommendations or corrective actions to be taken, necessary for them to react in a timely manner to a safety problem involving organisations responsible for the provision of ground handling services subject to Regulation (EU) 2018/1139 and its delegated and implementing acts.
- (c) Upon receiving the information referred to in (a) and (b), the competent authority shall take adequate measures to address the safety problem.
- (d) Measures taken in accordance with point (c) shall immediately be notified to the GHSP and, if relevant, to the aerodrome operator where ground handling services are provided, which need to comply with them under Regulation (EU) 2018/1139 and its delegated and implementing acts adopted on the basis thereof. The competent authority shall also notify those measures to the Agency and, when combined action is required, to the other Member States concerned.
- (e) Measures notified to a GHSP shall also be notified to the operator of the aerodrome where the GH service is provided.

## SUBPART MGMT – MANAGEMENT (ARGH.MGMT)

### ARGH.MGMT.200 Management system

- (c) The competent authority shall establish and maintain a management system, including as a minimum:
- (1) Documented policies and procedures to describe its organisation, means and methods to achieve compliance with Regulation (EU) 2018/1139 and its delegated and implementing acts. The procedures shall be kept up to date and serve as the basic working documents within that competent authority for all related tasks;
  - (2) A sufficient number of personnel to perform its tasks and discharge its responsibilities. Such personnel shall have the necessary knowledge and experience and shall be qualified to perform the allocated tasks. They shall receive initial and recurrent training to ensure continuing competence. The competent authority shall have a system to plan the availability of personnel, in order to ensure the proper completion of all tasks;
  - (3) Adequate facilities and office accommodation to perform the allocated tasks;
  - (4) A function to monitor compliance of the management system with the relevant requirements and adequacy of the procedures including the establishment of an internal audit process and a safety risk management process. Compliance monitoring shall include a feedback system of audit findings to the senior management of the competent authority to ensure implementation of corrective actions as necessary; and
  - (5) A person or group of persons, ultimately responsible to the senior management of the competent authority for the compliance monitoring function.
- (d) The competent authority shall appoint for each field of activity, including management system, one or more persons with the overall responsibility for the management of the relevant task(s).
- (e) The competent authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance with other competent authorities concerned, whether from within the Member State or in other Member States, including on
- (1) all findings raised and follow-up actions taken as a result of oversight of persons and organisations declaring the provision of GH services at aerodrome located in more than one Member State; and
  - (2) information stemming from mandatory and voluntary occurrence reporting as required by ORGH.MGMT.220.

### AMC1 ARGH.MGMT.200 Management system

#### ORGANISATIONAL STRUCTURE

- (a) The competent authority should consider all the following elements when deciding on the required organisational structure:
- (1) the number of declared GHSP, including self-handling;
  - (2) the number of aerodromes where the GHSP are operating;
  - (3) the possible use of qualified entities and the resources needed to fulfil the continuing oversight obligations;

- (4) the level of civil aviation activity;
  - (5) the size of the Member State's aviation industry; and
  - (6) the economic trends indicating growth or decline of activities in the field of civil aviation.
- (b) The setup of the organisational structure should ensure that the various tasks and obligations of the competent authority do not rely solely on individuals. A continuous and undisturbed fulfilment of these tasks and obligations of the competent authority should also be guaranteed in case of illness, accident or leave of individual employees.

## GM1 ARGH.MGMT.200 Management system

### GENERAL

- (a) It is recommended that the competent authority designated by each Member State be organised in such a way that:
- (1) there is specific and effective management authority in the conduct of all relevant activities;
  - (2) the functions and processes described in the applicable requirements of Regulation (EU) No 2018/1139 and its implementing and delegated acts, AMCs, Certification Specifications (CSs) and Guidance Material (GM) may be properly implemented;
  - (3) the competent authority's organisation and operating procedures for the implementation of the applicable requirements of Regulation (EU) No 2018/1139 and its implementing and delegated acts are properly documented and applied;
  - (4) all competent authority personnel involved in the related activities are provided with training where necessary;
  - (5) specific and effective provision is made for the communication and interface as necessary with the Agency and the competent authorities of other Member States; and
  - (6) all functions related to implementing the applicable requirements are adequately described.
- (b) A general policy in respect of activities related to the applicable requirements of Regulation (EU) No 2018/1139 and its implementing and delegated acts should be developed, promoted and implemented by the manager at the highest appropriate level; for example, the manager at the top of the functional area of the competent authority that is responsible for such activities.
- (c) Appropriate steps should be taken to ensure that the policy is known and understood by all personnel involved, and all necessary steps should be taken to implement and maintain the policy.
- (d) The general policy, whilst also satisfying additional national regulatory responsibilities, should take into account in particular:
- (1) the provisions of Regulation (EU) No 2018/1139;
  - (2) the provisions of the applicable implementing and delegated acts and their AMCs, CSs and GM;
  - (3) the needs of industry; and
  - (4) the needs of the Agency and of the competent authority.
- (e) The policy should define specific objectives for key elements of the organisation and processes for implementing related activities, including the corresponding control procedures and the measurement of the achieved standard.



## AMC1 ARGH.MGMT.200(a)(1) Management system

### DOCUMENTED POLICIES AND PROCEDURES

- (a) The various elements of the organisation involved with the activities related to Regulation (EU) No 2018/1139 and its implementing and delegated acts should be documented in order to establish a reference source for the establishment and maintenance of this organisation.
- (b) The documented policies and procedures should be established in a way that facilitates their use. They should be clearly identified, kept up-to-date and made readily available to all personnel involved in the related activities.
- (c) The documented policies and procedures should cover, as a minimum, the following aspects:
  - (1) policy and objectives;
  - (2) organisational structure;
  - (3) responsibilities and associated authority;
  - (4) procedures and processes;
  - (5) internal and external interfaces;
  - (6) internal control procedures;
  - (7) training of personnel;
  - (8) cross-references to associated documents;
  - (9) assistance from other competent authorities or the Agency (where required);
  - (10) ethics, personal conduct and the avoidance of actual or perceived conflicts of interest in the performance of official duties.
- (d) If the information is held in more than one document or series of documents, suitable cross-referencing should be provided, and the referenced documentation should be readily available upon request.

*Rationale: This AMC is aligned with AMC1 ADR.AR.B.005(a)(1) and AMC1 ARO.GEN.200(a)(1). The part of point (d) which provided an example was however moved to a new GM.*

*Point (c)(10) is aligned with ICAO Annex 6 Part I, Appendix 5 (Technical guidance, tools and provision of safety-critical information).*

## GM1 ARGH.MGMT.200(a)(1) Management system

### DOCUMENTED POLICIES AND PROCEDURES

The following is an example of information that is held in more than one document or series of documents: organisational structure and job descriptions are not usually in the same documentation as the detailed working procedures. In such cases, it is recommended that the documented procedures include an index of cross-references to all such other related information.

*Rationale: This GM refers to point (d) of AMC1 ARGH.MGMT.005(a)(1) above. It provides an example of the way in which point (d) can be implemented. I've kept in point (d) of the AMC only the implementable part and moved the example in this GM.*

## AMC2 ARGH.MGMT.200(a)(1) Management system

### CONTENT OF PROCEDURES

- (a) The procedures in the competent authority's management system should provide at least the following information:
- (1) regarding continuing oversight functions undertaken by the competent authority, the competent authority's organisational structure with description of the main processes. This information should demonstrate the allocation of responsibilities within the competent authority, and that the competent authority is capable of carrying out the full range of tasks regarding the size and complexity of the Member State's ground handling industry. It should also consider overall proficiency and authorisation scope of competent authority personnel;
  - (2) changes which significantly affect the competent authority's oversight capabilities;
  - (3) for personnel involved in oversight activities, the minimum professional qualification requirements and experience, and principles guiding appointment (e.g. assessment);
  - (4) how the following activities are carried out: verification of declarations, performance of continuing oversight, follow-up of findings and observations, enforcement measures, and resolution of safety concerns;
  - (5) principles of managing exemptions and derogations;
  - (6) systems used to disseminate applicable safety information for timely reaction to a safety problem;
  - (7) criteria for planning continuing oversight (oversight programme), including adequate management of interfaces when conducting continuing oversight (aerodrome operations and air operations, or ramp inspections); and
  - (8) outline of the initial training of newly recruited oversight personnel (taking future activities into account), and the basic framework for continuation training of oversight personnel.
- (b) The procedures in the competent authority's management system should include any amendments to those procedures.

*Rationale: This AMC is aligned with AMC2 ADR.AR.B.005(a)(1)*

## AMC1 ARGH.MGMT.200(a)(2) Management system

### QUALIFICATION AND TRAINING – GENERAL

- (a) The competent authority should establish a competency-based training and assessment (CBTA) programme for its ground handling inspectors and a plan for its implementation.
- (b) The training programme should cover the specific needs of the personnel and the competent authority.
- (c) For each inspector, the competent authority should:
- (1) define the competencies required to perform the oversight tasks;
  - (2) perform a training needs assessment before enrolling the inspector in the training programme;
  - (3) define the associated minimum qualification requirements;

- (4) establish initial and recurrent training programmes in order to maintain and to enhance inspector competency at the level necessary to perform the allocated tasks; and
- (5) ensure that the training provided meets the established standards and is regularly reviewed and updated whenever necessary.

#### **PROVISION OF TRAINING**

- (d) The training may be provided either by the competent authority's own qualified trainers or by another qualified training source, which may be a training organisation or adequately competent and qualified individuals.
- (e) The trainers should be appointed by the competent authority and should meet the competency and qualification criteria established by that competent authority. Those criteria should include:
  - (1) experience in GH for a minimum number of years as established by the competent authority;
  - (2) competent in applying training techniques,
  - (3) communication skills,
  - (4) safety awareness skills,
  - (5) behaviour traits indicating professionalism, maturity, judgment, integrity, and personal performance standards.
- (f) When training is not provided by its own trainers, adequately competent and qualified persons may act as trainers once the competent authority has assessed them as per point (e) in the GH domain and training skills.

#### *Rationale:*

*This AMC is aligned with AMC1 ARO.GEN.200(a)(2) of Reg. (EU) 965/2012 and GM4 ADR.AR.B.005(a)(2), except for point (e). Point (e), which includes the criteria for a trainer, is aligned with point (c) of AMC2 ADR.AR.B.005(a)(2). The Air Ops rules do not have similar criteria.*

*Training and maintaining of personnel competences have been identified as a critical issue in other aviation domains. Ensuring that the competent authority has competent personnel to perform oversight activities to GHSP in a professional manner is a challenging task that requires a carefully developed training process integrated within the management system of the competent authority. This AMC provides some elements that would help the competent authority to develop a sound training process that would ensure continued competence of their personnel.*

## **AMC2 ARGH.MGMT.200(a)(2) Management system**

### **INITIAL TRAINING FOR COMPETENT AUTHORITY INSPECTORS**

Initial training should encompass:

- (a) Initial theoretical training as per AMC3 ARGH.MGMT.200(a)(2).
- (b) Practical training

The objective of the practical training is to instruct on audit/inspection techniques and specific areas of attention without interference with the operation of the GH activities.

The competent authority should ensure that trainees have successfully completed the initial theoretical and practical training by passing a relevant assessment or being signed off by an appropriately qualified person.

(c) On-the-job training

The objective of the on-the-job training is to familiarise trainees with the particularities of performing a GH audit/inspection in a real, operational environment. It should be done in accordance with AMC4.

(d) The competent authority may adapt the duration and depth of the individual training programme of an inspector if the required competencies are achieved and maintained.

*Rationale*

*This AMC is intentionally kept generic, to highlight the structure of the initial training. The purpose of the initial training with this proposed structure is to indicate means to develop competencies and qualification of a GH inspector. The content of this training will have to be ensured by the competent authority. It is not expected that this is a prerequisite for a GH inspector. The training content on the GH domain is addressed in the next AMC.*

*The alternative of passing an assessment or being signed off by an appropriately qualified person offers more flexibility in case when passing an examination every time is not always the most efficient way.*

## AMC3 ARGH.MGMT.200(a)(2) Management system

### CONTENT OF THE INITIAL TRAINING FOR COMPETENT AUTHORITY INSPECTORS

(a) The initial training programme for inspectors should include, as appropriate to their role, current knowledge, experience and skills, the following content, to cover both the theoretical and the practical aspects, as the case may be:

*AVIATION LEGISLATION:*

- (1) aviation legislation, organisation and structure;
- (2) the relevant ICAO Annexes and documents;
- (3) the relevant requirements of Regulation (EU) No 2018/1139, its delegated and implementing acts and the related AMC, CS and GM, as well as assessment methodology of the alternative means of compliance, and the applicable national legislation;
- (4) this Regulation, as well as relevant parts of (EU) No 965/2012 on air operations, (EU) No 139/2014 on aerodrome operations, as well as other applicable requirements;
- (5) enforcement measures as specified in Regulation (EU) 2018/1139 Article 62 points 1(e) and 9;
- (6) Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation and related Commission Implementing Regulation (EU) 2015/1018;

*AUDITING TECHNIQUES*

- (7) auditing techniques, including notions of performance-based auditing. The training should cover theory of audits and inspections, as well as quality and safety assurance.
- (8) competent authority procedures relevant to the inspectors' tasks;
- (9) acceptability and auditing of safety management systems;
- (10) management of changes;
- (11) human factors principles;
- (12) rights and obligations of inspecting personnel of the competent authority;

*TECHNICAL TRAINING PER GROUND HANDLING ACTIVITIES*

- (13) technical training, including training on ground handling specific subjects, appropriate to the role and tasks of the inspector;
- (14) evaluation and review of GH manuals;
- (15) other suitable technical training appropriate to the role and tasks of the inspector, including familiarisation with the applicable industry standards;

*SMS TRAINING*

- (16) areas of particular interest that include, but are not limited to:
  - (i) management systems,
  - (ii) assessment of the effectiveness of the safety management system, in particular hazard identification and risk assessment, safety assurance principles, root cause analysis;
  - (iii) non-punitive reporting techniques in the context of the implementation of a 'just culture';
- (b) The training programme and plan should be updated, as needed, to reflect at least changes in aviation legislation, and industry.

*Rationale:*

*On point (a)(16)(ii) about assessing the effectiveness of a management system:*

*The Basic Regulation in Annex VII Essential Requirements for aerodromes states: 4.2.1 "As appropriate for the type of activity undertaken and the size of the organisation, the provider shall implement and maintain a management system to ensure compliance with the essential requirements set out in this Annex, manage safety risks and to aim for continuous improvement of this system."*

*As this is a gradual improvement, from an SMS to an effective SMS, sufficient time should be considered for the transition period.*

*Additional GM will be added here to support competent authorities in developing skills and competencies in assessing the effectiveness of a management system. More material is under development outside the regulatory framework for this purpose as well.*

## **GM1 ARGH.MGMT.200(a)(2) Management system**

### **ICAO DOCUMENTS RELEVANT FOR GH INSPECTOR TRAINING**

The following non-exhaustive list of ICAO Annexes and Documents, as appropriate to the role of the GH inspector, are relevant for the initial training programme referred to in AMC3 ARGH.MGMT.005(a)(2):

- (a) Annex 6 Operation of Aircraft
- (b) Annex 14 Aerodromes
- (c) Annex 18 The Safe Transport of Dangerous Goods by Air
- (d) Annex 19 Safety Management
- (e) Doc 10121 Manual on Ground Handling
- (f) Doc 9284 Technical Instructions for the Safe Transport of Dangerous Goods
- (g) Doc 9640 Manual of Aircraft Ground De-icing/Anti-icing Operations

- (h) Doc 9977 Manual on Civil Aviation Jet Fuel Supply
- (i) Doc 10070 Manual on the Competencies of Civil Aviation Safety Inspectors
- (j) Doc 10102 Guidance for Safe Operations Involving Aeroplane Cargo Compartments
- (k) Doc 10147 Guidance on a Competency-based Approach to Dangerous Goods Training and Assessment
- (l) Doc 10151 Manual on Human Performance for Regulators
- (m) Any other World Health Organisation relevant documentation on general pandemic or worldwide medical emergency

Further material to be developed for the implementation of a CBTA programme for inspectors.

## AMC4 ARGH.MGMT.200(a)(2) Management system

### ON-THE-JOB TRAINING FOR COMPETENT AUTHORITY INSPECTORS

- (a) The competent authority should ensure that on-the-job training is undertaken only by trainees that have successfully completed the initial theoretical and practical training. On-the-job training should be delivered by a competent person.
- (b) Duration and conduct of the on-the-job training  

The content and duration of the on-the-job training should be adapted to the particular training needs of every trainee and take into account the scope and complexity of the inspector's tasks. It should cover, as much as possible, the oversight tasks that the inspector will conduct. The on-the-job training should include a number of GH audits / inspections, which the competent authority may decide on a case-by-case basis, based on an evaluation of the trainee's performance.
- (c) The competent authority should confirm that the required competence has been achieved before an inspector is authorised to perform a task without supervision.
- (d) The scope and elements to be covered during the on-the-job training:
  - (1) Preparation of an audit/inspection:
    - (i) sources of information for the preparation of an audit/inspection;
    - (ii) areas of concern and/or open findings;
    - (iii) selection of GHSP to be audited/inspected; and
    - (iv) task allocation among the members of the audit/inspection team.
  - (2) Administrative issues of the inspection:
    - (i) GH inspector credentials, rights and obligations;
    - (ii) safety and security airside procedures; and
    - (iii) GH inspector toolkit (fluorescent vest, checklists, digital camera, torch, safety shoes, hearing protection, etc.)
  - (3) Audit/inspection:
    - (i) introduction – opening meeting;
    - (ii) on-site activities (audit/inspection according to the area of expertise);
    - (iii) findings (identification, categorisation, evidencing, reporting); and

- (iv) corrective actions — enforcement.
- (4) Closing meeting – debriefing on the audit/inspection conclusions.
- (5) Preparation, completion and delivery of the audit/inspection report.
- (6) Human factor elements:
  - (i) cultural aspects;
  - (ii) resolution of disagreements and conflicts; and
  - (iii) auditee stress.
- (7) Team leading, if required.
- (8) Post-audit/inspection procedures, such as monitoring the status of open audit findings, follow-up audits/inspections, and closing the findings after appropriate action has been taken by the GHSP.

*Rationale:*

*This AMC is similar to AMC2 ADR.AR.B.005(a)(2).*

*Point (b): The GH experts to remove the minimum number of inspections for the on-the-job training and adopt instead a performance-based approach in this case. The competent authority may decide to require additional audit/inspections as needed.*

## GM2 ARGH.MGMT.200(a)(2) Management system

### PRACTICAL TRAINING VS ON-THE-JOB TRAINING

Practical training is different from on-the-job training as a GH inspector in that the practical training does not imply actual participation in an audit/inspection. As indicated in point (b) of AMC2 ARGH.MGMT.200(a)(2), the trainee is not supposed to interfere with the execution of the GH activities.

On-the-job training implies actual participation of the trainee in audits/inspections, either as an observer or as a team member under supervision.

*Rationale:*

*This clarification is added following feedback from the discussion with the group experts.*

## AMC5 ARGH.MGMT.200(a)(2) Management system

### QUALIFICATION OF INSPECTORS AFTER SUCCESSFUL COMPLETION OF TRAINING

- (a) Upon successful completion of the initial training (initial theoretical training, practical training, and on-the-job training), the competent authority should issue a formal qualification statement for each qualified GH inspector listing their privileges. Credentials on previous qualifications should also be issued for the GH inspectors, to facilitate their work.
- (b) The competent authority should put in place a system that ensures that their inspectors meet at all times the qualification criteria in regard to the eligibility, training and recent experience.

*Rationale: This AMC is aligned with AMC3 ADR.AR.B.005(a)(2).*

## GM3 ARGH.MGMT.200(a)(2) Management system

### QUALIFICATION OF PERSONNEL

The term 'qualified' denotes adequacy to the purpose. This may be achieved by fulfilling the necessary conditions, such as completing the required training, holding a diploma or degree, or gaining suitable experience. It also includes the ability, capacity, knowledge, or skill that matches or suits an occasion, or makes a person eligible for a duty, office, position, privilege, or status.

Certain posts may, by nature, be associated with the possession of certain qualifications in a specific field (e.g. civil or mechanical engineering, safety management, chemistry, environment, etc.). In such cases, the person occupying such a post is expected to possess the necessary qualifications at a level that is in accordance with the applicable national or European Union legislation.

*Rationale: This GM is the equivalent of GM3 ADR.AR.B.005(a)(2).*

## AMC6 ARGH.MGMT.200(a)(2) Management system

### MAINTAINING THE COMPETENCE OF INSPECTORS

- (a) Once an inspector is qualified, the competent authority should ensure that they remain competent to perform the allocated tasks. In order to ensure continued competence of the inspectors, the competent authority may either
- (1) implement a continuing assessment process, which is performed during the real-time activity of an inspector; or
  - (2) perform a recurrent training and assessment.
- Proof to ensure maintenance of an inspector's continued competence should not be older than 36 months from the previous assessment.
- (b) The programme of maintenance of inspector's competence should address, as appropriate to their role, at least the following topics:
- (2) changes in aviation legislation, operational environment and technologies;
  - (3) competent authority procedures relevant to the inspector's tasks;
  - (4) technical training, including training on ground handling specific subjects, appropriate to the role and tasks of the inspector; and
  - (5) results from past oversight.
- (c) The continuing assessment of inspectors should be done in a two-step approach:
- (1) as part of any performance review, where their skills and knowledge are checked against the expected actions; and
  - (2) if required by the competent authority, an accompanied inspection during which the inspector's performance is evaluated and documented. Any deficiency against the expected outcome should be addressed to maintain the ongoing competence of the inspector.



- (d) The training courses that have a fixed interval for recurrence established through another regulation should be maintained as such (e.g., dangerous goods training).
- (e) The maintenance of inspector's competence programme should include, whenever possible, a scheme that allows exchange of inspectors between Member States to build on the standardisation of the oversight process and increasing the required competencies.

*Rationale:*

*Point (a)(1) enables flexibility for CA to choose between a traditional recurrent training and assessment programme or a more performance-based type approach in the form of a continuing assessment of inspectors performed during real-time activities.*

*This AMC has been drafted by comparison with its equivalents in the air operations and aerodrome domains:*

- *The equivalent AMC2 ARO.GEN.200(a)(2) in the air operations domain, which establishes an interval for the assessment of the inspector's competences to maximum 3 years, but it does not specify an interval period for the recurrent training (point (c)).*
- *There is no interval for recurrent training specified in AMC1 ADR.AR.B.005(a)(2) point (c)(6); this is left for the competent authority to decide as deemed necessary (AMC1 ADR.AR.B.005(a)(2), point (c)(6)). Additionally, the qualification of inspectors is following a programme of recent experience described at GM level (see GM6).*

*On the other hand, while not attempting to be more prescriptive than air the other domains, this AMC considers the feedback from the standardisation activities in the aerodrome domain that the lack of indication of a maximum interval for the recurrent training is a standardisation issue and creates a level playing field among the Member States. Nevertheless, if the assessment of competence is maintained and evidenced, then there should be no need to require recurrent training of an inspector on the specific 'tasks (only dangerous goods training, security training and perhaps other trainings with a fixed recurrent period will have to be maintained).*

*While allowing competent authorities the possibility to choose between two methods to keep the competence of their inspectors at the required level, the concept of a "maintenance of competence" scheme is introduced as a more effective means to achieve this objective rather than applying an arbitrary recurrent training scheme at a defined period. The arguments in favour of this new method are the following:*

- *If an inspector is performing at the required level, then they should not be required to undergo training unless something has changed, in which case an ad-hoc training according to changes should be sufficient and less burdensome. If, on the other hand, an inspector is not performing to the required level, then this should be addressed at the time, after the inspection, with a suitable intervention to correct and close any identified gap.*
- *An inspector should be assessed as part of any performance review, where their activities and knowledge are checked against the expected actions. So, this would be a short knowledge check followed up with an accompanied inspection during which their performance is evaluated and documented. This automatically gives rise to real-life check of performance rather than desktop training, and it can still be documented.*
- *This principle allows for risk-based approach as if a competent authority identifies a trend of findings, or even a lack of expected findings, a tool to assess the inspector(s) performance.*

*Moreover, the maximum period in which proof of a recurrent assessment has been done should not be older than 36 months; this would be the only fixed interval specified in this AMC. The exceptions are those recurrent*

*trainings in specific domains, such as dangerous goods or security, which have fixed intervals mandated through other applicable requirements.*

*Having flexible intervals for the recurrent assessment makes it possible to fully integrate the trainings with other domains, such as flight operations or aerodrome sections, which can be convenient for competent authorities that prefer their inspectors be competent in more than one domain.*

*Point (e) has a double purpose: on the one hand, it is an ideal tool for exchanging experience and opinions about the correct interpretation and implementation of the rules and thus helping in the understanding of a different perspective, awareness of the operational context, cultural differences and deepening the human factor competencies of an inspector. On the other hand, this point contributes to a significant degree to the improvement of standardisation of the oversight process, by developing a basis of open and continued communication which further leads to mutual trust and support between competent authorities to develop a good cooperative oversight.*

*In adult learning literature, this training through exchange of experience is termed “standardisation and moderation” where, for example, two inspectors inspect the same thing and review their outcomes to compare if they are aligned and debate so the observations become interpreted in a standard manner. The “moderation” comes from a level above in the competent authority, where submitted reports are reviewed to check if similar findings or observations are categorised in the same way.*

## **AMC7 ARGH.MGMT.200(a)(2) Management system**

### **RECENT EXPERIENCE TO MAINTAIN QUALIFICATION OF GROUND HANDLING INSPECTORS**

- (a) A GH inspector should be considered to remain qualified if they perform minimum two on-site GHSP audits/inspections during the previous 12 months. If the minimum number of audits/inspections is not achieved due to the number of GHSP in a Member State, audits/inspections of GHSP providing services at other aerodromes, which are open to public use but do not fall within the scope of Regulation (EU) 2018/1139, may also be taken into account.
- (b) If a GH inspector loses their qualification as a result of not reaching the minimum number of inspections mentioned in point (a), they may be requalified by the competent authority by performing audits to complete the minimum number of audits/inspections under the supervision of a qualified inspector. The missed audits/inspections should take place within a maximum period of three months following the end of the period within which they should have reached the minimum number of audits/inspections.
- (c) If a GH inspector loses their qualification because they have not been engaged in performing audits/inspections for a longer period than that established in point (a) but less than 24 months, they should be re-qualified by the competent authority only after successfully completing the on-the-job-training and any recurrent training required.
- (d) If a GH inspector loses their qualification because they have not been engaged in performing audits/inspections for more than 24 months, they should be fully re-qualified by the competent authority only after successfully completing initial theoretical, practical, and on-the-job training.

*Rationale: This AMC is developed after GM6 ADR.AR.B.005(a)(2).*

*The elements for the recent experience for the continued qualification of inspectors will provide a means to comply with the implementing rule. Putting them at AMC level ensures consistency of approach with the elements that ensure continued competence of instructors, which are also provided in an AMC.*

## GM4 ARGH.MGMT.200(a)(2) Management system

### SUFFICIENT PERSONNEL

- (a) This Guidance Material for the determination of the required personnel is limited to the registration of declarations and oversight tasks, excluding personnel required to perform tasks subject to any national regulatory requirements.
- (b) The elements to be considered when determining required personnel and planning their availability, may be divided into quantitative and qualitative elements:
  - (1) Quantitative elements:
    - (i) the number of organisations responsible for the provision of ground handling services having declared their activity to the competent authority; and
    - (ii) the number of planned audits and inspections.
  - (2) Qualitative elements:
    - (i) the size, nature and complexity of activities of the organisations responsible for the provision of ground handling services, taking into account:
      - (A) possible use of industry standards;
      - (B) number of aerodromes where the GHSP operates;
      - (C) number of personnel; and
      - (D) organisational structure, existence of subsidiaries and number of contracted activities;
    - (ii) the safety priorities identified;
    - (iii) the results of past oversight activities, including audits, inspections and reviews, in terms of risks and regulatory compliance, taking into account:
      - (A) number and level of findings;
      - (B) timeframe for implementation of corrective actions; and
      - (C) maturity of management systems implemented by organisations and their ability to effectively manage safety risks, taking into account also information provided by other competent authorities related to activities in the territory of the Member States concerned; and
    - (iv) the size and complexity of the Member State's aviation industry and the potential growth of activities in the field of civil aviation, which may be an indication of the number of new declarations and changes to existing declarations to be expected.
- (c) Based on existing data from previous oversight planning cycles and taking into account the situation within the Member State's aviation industry, the competent authority may estimate the number of new declarations or changed declarations;
- (d) In line with the competent authority's oversight policy, the following planning data should be determined for organisations responsible for the provision of ground handling services:
  - (1) standard number of audits to be performed per oversight planning cycle;
  - (2) standard duration of each audit;
  - (3) standard working time for audit preparation, on-site audit, reporting and follow-up, per inspector;

- (4) standard number of unannounced inspections to be performed;
  - (5) standard duration of inspections, including preparation, reporting and follow-up, per inspector;
  - (6) minimum number and required qualification of inspectors for each audit/inspection.
- (e) Standard working time could be expressed either in working hours per inspector or in working days per inspector. All planning calculations should then be based on the same unit (hours or working days).
- (f) It is recommended to use a spreadsheet application to process data defined under (c) and (d), to assist in determining the total number of working hours/days per oversight planning cycle required for certification, authorisation, oversight and enforcement activities. This application could also serve as a basis for implementing a system for planning the availability of personnel.
- (g) The number of working/hours/days per planning period for each qualified inspector should be determined, taking into account:
- (1) purely administrative tasks not directly related to oversight;
  - (2) training;
  - (3) participation in other projects;
  - (4) planned absence; and
  - (5) the need to include a reserve for unplanned tasks or unforeseeable events.
- (h) The determination of working time available for oversight and enforcement activities should also consider the possible use of qualified entities.
- (i) Based on the elements listed above, the competent authority should be able to:
- (1) monitor dates when audits and inspections are due and when they have been carried out;
  - (2) implement a system to plan the availability of personnel; and
  - (3) identify possible gaps between the number and qualification of personnel and the required volume of oversight activities.
- (j) The competent authority should keep the planning data up-to-date in line with changes in the underlying planning assumptions, with particular focus on risk-based oversight principles.

## GM1 ARGH.MGMT.200(a)(3) Management system

### ADEQUATE FACILITIES

The competent authority should consider, when applicable, innovative work spaces or home offices as means to provide adequate office accommodation for its personnel, in order to ensure continuity in exercising the regular tasks and duties.

#### *Rationale:*

***Stakeholders are invited to comment on the need to have this GM as a lesson learned from the pandemic, which forced the majority of employees in the world to work from home. On the other hand, such flexibility should be implied without the need to express it in an AMC.***

## GM1 ARGH.MGMT.200(a)(3) Management system

### FACILITIES AND OFFICE ACCOMODATION

Facilities and office accommodation include but are not limited to:

- (a) adequate offices;
- (b) a technical library available for the competent authority personnel, or another method to ensure receipt, control, and distribution of necessary technical documentation;
- (c) office equipment, including computers and communication means;
- (d) transportation means; and
- (e) personnel protective equipment.

## AMC1 ARGH.MGMT.200(a)(4) Management system

### COMPLIANCE MONITORING PROCESS

The formal process to monitor compliance of the management system with the relevant requirements, and the adequacy of the procedures should:

- (a) include a feedback system of audit findings to ensure implementation of corrective actions as necessary; and
- (b) ensure that the person or group of persons performing compliance monitoring activities have a functional independence from the units/departments they oversee.

## AMC1 ARGH.MGMT.200(c) Management system

### PROCEDURES AVAILABLE TO THE AGENCY

- (a) Copies of the procedures related to the competent authority's management system and their amendments to be made available to the Agency for the purpose of standardisation before an inspection should provide at least the following information:
  - (1) Regarding continuing oversight functions undertaken by the competent authority, the competent authority's organisational structure with description of the main processes. This information should demonstrate the allocation of responsibilities within the competent authority, and that the competent authority is capable of carrying out the full range of tasks regarding the size and complexity of the Member State's aviation industry. It should also consider overall proficiency and authorisation scope of competent authority personnel.
  - (2) For personnel involved in oversight activities, the minimum professional qualification requirements and experience and principles guiding appointment (e.g. assessment).
  - (3) How the following are carried out: performance of continuing oversight, follow-up of findings, enforcement measures and resolution of safety concerns.
  - (4) Principles of managing exemptions and derogations.
  - (5) Processes in place to disseminate applicable safety information for timely reaction to a safety problem.
  - (6) Criteria for planning continuing oversight (oversight programme), including adequate management of interfaces when conducting continuing oversight (air operations, aerodrome operations, ramp inspections for example).

- (7) Outline of the initial training of newly recruited oversight personnel (taking future activities into account), and the basic framework for continuation training of oversight personnel.
- (b) As part of the continuous monitoring of a competent authority, the Agency may request details of the working methods used, in addition to the copy of the procedures of the competent authority's management system (and amendments). These additional details are the procedures and related guidance material describing working methods for competent authority personnel conducting oversight.
- (c) Information related to the competent authority's management system may be submitted in electronic format.

#### *Rationale*

*Alignment with AMC1 ARO.GEN.200(d) Management system. The intention is that the Agency has, before an inspection to a competent authority, the most recent versions of the documents that are necessary for the purpose of the inspection.*

### **ARGH.MGMT.205 Allocation of tasks to qualified entities**

- (a) The competent authority may allocate tasks related to the registration of declarations or continuing oversight of GHSP subject to Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.
- (b) When allocating tasks to a qualified entity, the competent authority shall ensure that it has:
  - (1) a system in place to initially and continually assess that the qualified entity complies with Annex VI to Regulation (EU) 2018/1139.
  - (2) this system and the results of the assessments shall be documented.
  - (3) established a documented agreement with the qualified entity, approved by both parties at the appropriate management level, which clearly defines:
    - (i) the tasks to be performed;
    - (ii) the declarations, reports and records to be provided;
    - (iii) the technical conditions to be met in performing such tasks;
    - (iv) the related liability coverage; and
    - (v) the protection given to information acquired in carrying out such tasks.
- (c) The competent authority shall establish procedures to ensure that all the information related to a GHSP declaration submission and, if applicable, any authorisation issued as per the Council Directive 96/67/EC is promptly communicated between the competent authority and the qualified entity.
- (d) The competent authority shall ensure that the internal audit process and safety risk management process required by ground handling services in point (a)(4) of ARGH.MGMT.200 covers all tasks related to the acceptance of declarations or continuing oversight tasks performed on its behalf.

#### *Rationale*

*Point (c) is intended to mitigate any potential lack of communication related to the declaration system and the GH authorisation that may be required to operate at a certain aerodrome as per the Council Directive 96/67/EC.*

*The GH expert group has agreed that these two actions should be connected: a declaration should be submitted once the GHSP has obtained the authorisation to operate at an aerodrome where such an authorisation is required, or at least to obtain a pre-approval of the aerodrome or the authority (depending on how the Council Directive is transposed into the national legislation of a Member State, the organisation granting such authorisation could be the aerodrome operator or the competent authority).*

*The normal order (for pragmatic purposes) for a GHSP to start providing services at an aerodrome should be first to obtain the authorisation as per Council Directive 96/67/EC where this is required, and then submit the declaration to the competent authority of the aerodrome.*

*If declarations can be accepted by qualified entities, they should also have the information that the GHSP should first have been granted authorisation or a pre-authorisation to operate on a given aerodrome where this is the case.*

## **ARGH.MGMT.210 Changes to the management system**

- (a) The competent authority shall have a system in place to identify changes that affect its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EU) 2018/1139 and its delegated and implementing acts. The system shall enable it to take action, as appropriate, to ensure that its management system remains adequate and effective.
- (b) The competent authority shall update its management system to reflect any changes to Regulation (EU) 2018/1139 and its delegated and implementing acts in a timely manner, so as to ensure effective implementation.
- (c) The competent authority shall notify the Agency of changes affecting its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EU) 2018/1139 and its delegated and implementing acts.

## **ARGH.MGMT.220 Record keeping**

- (a) The competent authority shall establish a system of record keeping providing for adequate storage, accessibility and reliable traceability of:
  - (1) the management system's documented policies and procedures;
  - (2) training, qualification and authorisation of its personnel;
  - (3) the allocation of tasks to qualified entities, covering the elements required by ARGH.MGMT.010 as well as the details of tasks allocated;
  - (4) declaration process and continuing oversight of organisations responsible for the provision of ground handling services;
  - (5) the evaluation and notification to the Agency of alternative means of compliance proposed by organisations responsible for the provision of ground handling services and the assessment of alternative means of compliance used by the competent authority itself;
  - (6) findings, corrective actions and date of action closure;
  - (7) enforcement measures taken;
  - (8) safety information and follow-up measures; and
  - (9) the use of flexibility provisions in accordance with Article 71 of Regulation (EU) 2018/1139.

- (b) The competent authority shall maintain a list of all declarations it has received.
- (c) Records related to the declaration of ground handling service providers shall be kept for the lifespan of the declaration.
- (d) Records related to points (a)(1) to (a)(3) and (a)(5) to (a)(9) shall be kept for a minimum period of five years, subject to applicable data protection law.

## AMC1 GH.MGMT.220(a) Record keeping

### GENERAL

- (a) The record-keeping system should ensure that all records are accessible whenever needed within a reasonable time. These records should be organised in a way that ensures traceability and retrievability throughout the required retention period.
- (b) Records should be kept in paper form or in electronic format or a combination of both media. Records stored on microfilm or optical disc form are also acceptable. The records should remain legible and accessible throughout the required retention period. The retention period starts when the record has been created, or last amended.
- (c) Paper systems should use robust material, which can withstand normal handling and filing. Computer systems should have at least one backup system, which should be updated within 24 hours of any new entry. Computer systems should include safeguards against unauthorised alteration of data.
- (d) All computer hardware used to ensure data backup should be stored in a different location from that containing the working data and in an environment that ensures they remain in good condition. When hardware or software changes take place, special care should be taken that all necessary data continue to be accessible at least through the full period specified in the relevant Subpart or by default in GH.MGMT.020(d).

## AMC1 GH.MGMT.220(a)(1);(2);(3) Record keeping

### COMPETENT AUTHORITY MANAGEMENT SYSTEM

Records related to the competent authority's management system should include, as a minimum and as applicable:

- (a) the documented policies and procedures;
- (b) the personnel files of competent authority personnel, with supporting documents related to training and qualifications;
- (c) the results of the competent authority's internal audit and safety risk management processes, including audit findings and corrective actions; and
- (d) the contract(s) established with qualified entities performing oversight tasks on behalf of the competent authority.

## AMC1 GH.MGMT.220(a)(4) Record keeping

### ORGANISATIONS

Records related to a GHSP, should include:

- (a) declarations received or changes thereto;



- (b) a copy of the continuing oversight programme listing the dates when audits are due and when such audits were carried out;
- (c) continuing oversight records, including all audit and inspection records;
- (d) copies of all relevant correspondence;
- (e) details of any exemption; and
- (f) a copy of any other document approved by the competent authority.

DRAFT

## SUBPART OVS – OVERSIGHT AND ENFORCEMENT (ARGH.OVS)

### ARGH.OVS.300 Oversight

- (a) The competent authority shall verify:
  - (1) continued compliance with the applicable requirements of the GHSP from whom it received a declaration; and
  - (2) implementation of appropriate safety measures mandated by the competent authority as defined in ARGH.GEN.135 (c) and (d).
- (b) This verification shall:
  - (1) be supported by documentation specifically intended to provide personnel responsible for safety oversight with guidance to perform their functions;
  - (2) provide the GHSP concerned with the results of safety oversight activity;
  - (3) be based on audits and inspections, including unannounced inspections, where appropriate; and
  - (4) provide the competent authority with the evidence needed if further action is required, including the measures foreseen by ARGH.OVS.330.
- (c) The scope of oversight defined in (a) and (b) shall consider the results of past oversight activities and the safety priorities.
- (d) The competent authority shall collect and process any information deemed useful for oversight, including unannounced inspections, as appropriate.

### AMC1 ARGH.OVS.300(a);(b);(c) Oversight

- (a) The competent authority should assess the GHSP and monitor its continued competence to conduct the safe provision of the ground handling services in compliance with the applicable requirements. The competent authority should ensure that accountability for assessing and monitoring the organisations responsible for the provision of ground handling services is clearly defined. This accountability may be delegated or shared, in whole or in part.
- (b) It is essential that the competent authority has the full capability to adequately assess the continued competence of the organisations responsible for the provision of ground handling services, by ensuring that the whole range of activities is assessed by appropriately qualified personnel.

### AMC2 ARGH.OVS.300(a);(b);(c) Oversight

#### EVALUATION OF SAFETY RISK ASSESSMENT

As part of the continuing oversight of a GHSP, the competent authority should normally evaluate the organisation's safety risk assessment process related to identified hazards. These safety risk assessments should be identifiable processes of the organisation's management system.

As part of its continuing oversight, the competent authority should also remain satisfied as to the effectiveness of these safety risk assessments.

- (a) General methodology for operational hazards

The competent authority should establish a methodology for evaluating the safety risk assessment processes of the organisation's management system.

When related to operational hazards, the competent authority's evaluation under its normal oversight process should be considered satisfactory, if the organisation demonstrates its competence and capability to:

- (1) understand the hazards and their consequences on its operations;
  - (2) be clear on where these hazards may exceed acceptable safety risk limits;
  - (3) identify and implement mitigations;
  - (4) develop and execute effectively robust procedures for the safe provision of the ground handling services subject to the hazards identified;
  - (5) assess the competence and currency of its staff in relation to the duties necessary for the provision of ground handling services and implement any necessary training; and
  - (6) ensure sufficient numbers of qualified and competent staff for such duties.
- (b) The competent authority should take into account that:
- (1) the organisation's recorded mitigations for each unacceptable risk identified are in place;
  - (2) the operational procedures specified by the operator with the most significance to safety appear to be robust; and
  - (3) the staff on which the organisation depends in respect of those duties necessary for the provision of ground handling services are trained and assessed as competent in the relevant procedures.

#### *Rationale*

*This AMC has been drafted using AMC2 ARO.GEN.300(a)(b)(c). It provides a means to support the competent authorities in assessing the GHSP's SMS.*

## **GM1 ARGH.OVS.300 Oversight**

### **GENERAL**

- (a) Responsibility for the safe conduct of ground handling services lies with the GHSP. Under these provisions a positive move is made towards developing upon the organisation a share of the responsibility for monitoring the safety of the provision of ground handling services. The objective cannot be attained unless organisations are prepared to accept the implications of this policy, including that of committing necessary resources to its implementation. Crucial to the success of the policy is the content of Part-ORGH, which requires the establishment of a management system by the organisation.
- (b) The competent authority should continue to assess the organisation's compliance with the applicable requirements, including the effectiveness of the management system. If the management system is judged to have failed in its effectiveness, then this in itself is a breach of the requirements which may, among others, call into question the validity of the declaration, if applicable.
- (c) The accountable manager is accountable to the competent authority as well as to those who may appoint him/her. It follows that the competent authority cannot accept a situation in which the accountable manager is denied sufficient funds, manpower or influence to rectify deficiencies identified by the management system.
- (d) Oversight of the organisation includes a review and assessment of the qualifications of nominated persons.

## ARGH.OVS.305 Oversight programme

- (a) The competent authority shall establish and maintain an oversight programme covering the oversight activities required by ARGH.OVS.300.
- (b) The oversight programme shall be developed taking into account the complexity of the GHSP's activities and the results of past oversight activities. It shall be based on the assessment of associated risks. The oversight programme and planning cycle shall reflect the safety performance of the GHSP, as well as its risk exposure.
- (c) The oversight cycle shall include within each oversight planning cycle:
  - (1) audits and inspections, including unannounced inspections; and
  - (2) meetings convened between the accountable manager and the competent authority to ensure both remain informed of significant issues.
- (d) The oversight programme shall not exceed 48 months.

### *Alternative to point (d)*

- (d) An oversight planning cycle not exceeding 24 months shall be applied.

The oversight planning cycle may be reduced if there is evidence that the safety performance of the GHSP has decreased.

The oversight planning cycle may be extended to a maximum of 48 months if the competent authority has established that, during the previous 24 months:

- (1) the GHSP has demonstrated an effective identification of aviation safety hazards and management of associated risks;
- (2) the GHSP has continually demonstrated under ORGH.GEN.130 that it has full control over all changes;
- (3) no level 1 findings have been issued;
- (4) all corrective actions have been implemented within the time period accepted or extended by the competent authority as defined in GHS AR.C.XXX.

The oversight planning cycle may be reduced if there is evidence that the safety performance of the GHSP has decreased.

- (e) The oversight programme shall include records of the dates when audits, inspections and meetings are due and when such audits, inspections and meetings have been carried out.

### *Rationale:*

*The oversight planning cycle should enable enough flexibility to enable a gradual move towards risk-based oversight in the future. This is not possible immediately after the GH regulation becomes applicable. Collecting safety data and establishing trust and reliability in the safety performance of the GHSP takes time. The frequency of the oversight planning cycle should be high enough to allow quick intervention in case of deterioration of safety but also to enable safety data collection; at the same time, it should be flexible enough to allow an extension of the inspection/audit intervals to a longer period once trust is established. This approach will prepare the ground towards a risk-based oversight.*

*This flexibility is provided in the alternative text to point (d).*

***The stakeholders are invited to consider the two versions of point (d) and submit comments with arguments in favour of the preferred option.***

*Following the decision to keep one of the proposed versions of point (d), the related AMC to ARGH.OVS.305(c) will have to be kept or deleted.*

*For comparison:*

*Reg. (EU) 139/2014: The aerodrome requirements establish a maximum period of 48 months (ADR.AR.C.010(a)).*

*Reg. (EU) 965/2012: The air operations requirements establish the following intervals:*

<i>AOC holders (CAT operators)</i>	<i>ARO.GEN.305</i>	<i>Oversight cycle not exceeding 24 months</i> - <i>possibility to extend it to 36 months with conditions (no level 1 findings, full control of changes, all corrective actions implemented, effective identification of aviation hazards and management of risks in previous 24 months)</i> - <i>further possible extension to max. 48 months if, in addition to the conditions above for 36-month extension, effective continuous reporting system to the CA on safety performance and regulatory compliance</i>
<i>NCC, SPO operators</i>	<b>AMC1</b> <i>ARO.GEN.305(d)</i>	<i>at least one inspection within each 48-month cycle</i>
<i>Commercial SPO operators with high-risk authorisation</i>	<b>AMC1</b> <i>ARO.GEN.305(d1)</i>	<i>oversight cycle not exceeding 24 months</i> - <i>possibility to extend it to 48 months if management of risks is done effectively in previous 24 months</i>

## AMC1 ARGH.OVS.305(b) Oversight programme

### PROCEDURES FOR OVERSIGHT OF GHSP

- (a) The competent authority should assign an appropriate focal point for each GHSP. When more than one inspector is assigned to a GHSP, one of them should be nominated as having overall responsibility for supervision of, and liaison with the organisation's management, and be responsible for reporting on compliance with the requirements for the provision of the ground handling services as a whole.
- (b) Inspections, audits, and oversight procedures, on a scale and frequency appropriate to the operation, should include, but not limited to items from the following list:
- (1) organisation's management system;
  - (2) safety management, safety risk identification and mitigation actions;
  - (3) reporting records;
  - (4) manuals and procedures;
  - (5) training records and written samples of the training process;
  - (6) provision of GH services;
  - (7) equipment, including their maintenance records;
  - (8) transport of dangerous goods.
- (c) An inspection or an audit should be a 'deep cut' through the items selected, and all findings and observations should be recorded.

- (d) Inspectors should analyse and assess the root cause(s) identified by the GHSP and be satisfied that the corrective actions taken are adequate to correct the non-compliance, and to prevent reoccurrence.
- (e) Inspections and audits may be conducted jointly or separately. Inspections and audits may also be coordinated with inspections and audits conducted by the competent authorities responsible for other areas. Joint audits with competent authorities for other areas should also be performed because they are particularly effective to examine the interfaces between different actors at the aerodrome, such as aerodrome operators, GHSP, and air operators.
- (f) Inspections may, at the discretion of the competent authority, be conducted with or without prior notice to the GHSP.
- (g) Following the provisions of Article 89 of Regulation (EU) 2018/1139, inspectors should take account of any conditions that may indicate a significant deterioration in the organisation's financial situation. When any financial difficulties are identified, inspectors should increase technical surveillance of the provision of GH services with particular emphasis on the upholding of safety standards.
- (h) The number or the magnitude of the non-compliances identified by the competent authority will serve to support its continuing confidence in the organisation or, alternatively, may lead to an erosion of that confidence. In the latter case, the competent authority will need to review any identifiable shortcomings of the management system and take appropriate action if required.

## GM1 ARGH.OVS.305(b);(c2) Oversight programme

### ASSESSMENT OF ASSOCIATED RISKS – FINANCIAL SITUATION

Considering the provisions of Article 89 of Regulation (EU) 2018/1139 on the socio-economic risks to aviation safety, the competent authority could consider the following information as examples of trends that may indicate problems in a GHSP's financial situation. These topics could even be addressed during the discussions with the accountable manager:

- (a) considerable lay-offs or turnover of personnel, reduced personnel resources, increased multi-tasking, changing shift patterns, and increased overtime;
- (b) delays in managing payments to staff;
- (c) reduction of safe operational standards;
- (d) decreasing training standards;
- (e) supplier breach of credit towards the organisation;
- (f) inadequate maintenance of the GSE; and
- (g) shortage of supplies and spare parts.

## AMC1 ARGH.OVS.305(b)(1) Oversight programme

### AUDIT

- (a) The oversight programme should indicate which aspects will be covered with each audit.
- (b) Part of an audit should concentrate on the organisation's compliance monitoring reports produced by the compliance monitoring personnel to determine if the organisation is identifying and correcting its problems.
- (c) At the conclusion of the audit, the auditing inspector should complete an audit report, including all findings raised.

## AMC1 ARGH.OVS.305(b);(c) Oversight programme

### INDUSTRY STANDARDS

- (a) For organisations having demonstrated compliance with industry standards, the competent authority may adapt its oversight programme, in order to avoid duplication of specific audit items.
- (b) Demonstrated compliance with industry standards should not be considered in isolation from the other elements to be considered for the competent authority's risk-based oversight.
- (c) In order to be able to credit any audits performed in accordance with industry standards, the following should be considered:
  - (1) the demonstration of compliance is based on auditing schemes providing for independent and systematic verification;
  - (2) the existence of an accreditation scheme and accreditation body for certification or registration in accordance with the industry standards has been verified;
  - (3) audits are relevant to the requirements of this Regulation;
  - (4) the scope of such audits can easily be mapped against the scope of oversight in accordance with Annex III (Part-ORGH);
  - (5) audit results are accessible to the competent authority and open to exchange of relevant information in accordance with Article 62(9) of Regulation (EU) No 2018/1139;
  - (6) the audit planning intervals of audits in accordance with industry standards are compatible with the oversight planning cycle.
- (d) It should be understood that the audits performed by industry auditing bodies are not a replacement of the oversight activities conducted by the competent authority.

*Rationale: This AMC has been drafted after the similar AMC1 ARO.GEN.305(b);(c);(d);(d1) in Reg. (EU) 965/2012 on air operations. The GHSP that apply an industry standard may prove to be more reliable for the compliance with the rule, therefore the competent authority may decide to extend the oversight cycle for those GHSP, depending on the results of the previous audits and of the audits performed by the industry auditing organisations. At the same time, this should not be understood that the industry audits may replace the oversight activities performed by the competent authority; the intention of this AMC is rather to help the competent authority to adjust its oversight programme and focus its inspections on the main compliance issues that a GHSP may indicate or aspects that are not sufficiently highlighted through an industry audit.*

## AMC1 ARGH.OVS.305(b);(d) Oversight programme

### SAFETY PERFORMANCE AND RISK EXPOSURE, RESULTS OF PAST OVERSIGHT

- (a) When determining the oversight planning cycle and defining the oversight programme for a GHSP, the competent authority should assess the risks related to the activity of each organisation and adapt the oversight to the level of risk identified and to the organisation's ability to effectively manage safety risks. The following elements should be considered:
  - (1) the implementation by the organisation of industry standards, directly relevant to the organisation's activity subject to this Regulation;
  - (2) the results of past oversight activities;
  - (3) the procedure applied for and scope of changes;

- (4) absence of level 1 findings;
  - (5) response time to implement corrective actions;
  - (6) specific procedures implemented by the organisation related to any alternative means of compliance used;
  - (7) number and type(s) of GH services provided at each aerodrome;
  - (8) number of contractors and number of contracted services;
  - (9) types of GH services provided and the number of aerodromes to which these are provided, as well as the complexity and size of those aerodromes;
  - (10) staff turnover;
  - (11) any other safety-relevant data resulting from the audits and inspections.
- (b) The planning of audits and inspections should take into account the results of the hazard identification and risk assessment conducted and maintained by the organisation as part of the organisation's management system. Inspectors should work in accordance with the schedule provided to them.
- (c) When the competent authority varies the frequency of an audit/inspection as a result of an organisation's safety performance, it should ensure that all aspects of the operation are audited and inspected within the applicable oversight planning cycle.
- (d) The oversight planning cycle and the related oversight programme should be reviewed annually.
- (e) Each GHSP should be completely audited at periods not exceeding the applicable oversight planning cycle. All organisations should be considered for inclusion into the programme not later than 12 months after the date of the first declaration received. If the competent authority wishes to align the oversight planning cycle with the calendar year, it should shorten the first oversight planning cycle accordingly.
- (f) The interval between two audits for a particular process should not exceed the interval of the applicable oversight planning cycle.
- (g) Audits should include at least one on-site audit within each oversight planning cycle. For organisations exercising their regular activity at more than one site, each site should be audited at least once during each oversight planning cycle.

#### *Rationale*

*This AMC is drafted by the equivalent AMCs in ADR and Air OSP domains and further adapted to the specifics of the GHSP.*

*For comparison see*

- AMC1 and AMC2 ADR.AR.C.010(b);(c) in Reg. 139/2014
- AMC1 ARO.GEN.305(b);(d);(d1); AMC1 and AMC2 ARO.GEN.305(c); AMC1 ARO.GEN.305(d) in Reg. (EU) 965/2012

## **AMC1 ARGH.OVS.305(c) Oversight programme**

### **OVERSIGHT PLANNING CYCLE**

- (a) The oversight planning cycle may be extended to a maximum of 48 months if the competent authority has established that, during the previous 24 months:



- (1) the GHSP has demonstrated an effective identification of aviation safety hazards and management of associated risks;
  - (2) the GHSP has continually demonstrated under ORGH.GEN.130 that it has full control over all changes;
  - (3) no level 1 findings have been issued; and
  - (4) all corrective actions have been implemented within the time period accepted or extended by the competent authority as defined in ARGH.OVS.310.
- (b) The oversight planning cycle may be extended to a maximum of 48 months also if, in addition to the above, the GHSP has established, and the competent authority has accepted, an effective continuing reporting system to the competent authority on the safety performance and regulatory compliance of the provider itself.

#### *Rationale*

*This AMC is closely linked to the second version of point (d) in the implementing rule. If there is only one fixed interval of 48 months for the oversight planning cycle, then this AMC would not make much sense.*

*A GM will be added to explain the management of change in relation to 'full control' in point (a)(2).*

## **ARGH.OVS.310 Declarations of ground handling service providers**

- (a) Upon receiving a declaration from a GHSP that intends to provide such a service at an aerodrome, the competent authority shall acknowledge the receipt of the declaration and shall verify that the declaration contains all the information required by Part ORGH.
- (b) If the declaration is not duly filled in or contains information that is not in accordance with the applicable requirements, the competent authority shall notify the organisation responsible of the provision of ground handling services about the missing or incorrect elements and request further information.
- (c) The competent authority shall keep a register of the declarations of the GHSP under its oversight.

#### *Rationale:*

*EASA is working on a database (Repository of Information as required per Article 74 of the Basic Regulation) that will store all declarations submitted by GHSP. This database will be accessible to all the competent authorities of the EASA MS and they will be able to trace any GHSP that has submitted a declaration in any Member State where the aerodrome where it provides services is located, provided that this aerodrome is under the scope of the Basic Regulation. The declarations will contain general information such as the name and contact details of the accountable manager, as well as individual details about the contact persons and the list of services provided at each aerodrome.*

*The database will enable competent authorities to have a better overview of the number of the GHSP under their oversight, as well as the complexity of their operation.*

*Upon receiving a declaration, the competent authority only has to verify that the declaration is correctly filled in and acknowledge its receipt. By comparison, the Aerodrome Regulation establishes for AMS a buffer zone of 2 months before starting operation. This is not extended to include also GH service providers. The key difference for GHSP is not on the submission of papers (like in the case of AMS), but on the oversight.*

*With the declaration system, the main responsibility for compliance with the rules falls on the declaring organisation – i.e. the provider of GH services. Oversight comes second in place. This conceptual shift brought about by the declaration regime was first implemented in the aviation system through the non-commercial and specialised air operations and the declared training organisations.*

*The register can be in any format. For example, the future EASA Repository of information would be compliant with this requirement.*

## **GM1 ARGH.DEC.310 Declarations of ground handling service providers**

### **VERIFICATION OF DECLARATIONS**

The verification of the declaration received from a GHSP does not imply an assessment of its content or the associated documents. It is a formal verification, through which the competent authority ensures that all the documents required in accordance with ORGH.DEC.100 have been submitted, that the declaration has been correctly filled in and signed, there is no missing information, etc.

## **AMC1 ARGH.DEC.310 Declarations of GHSP**

### **ACKNOWLEDGEMENT OF RECEIPT**

The competent authority should acknowledge receipt of the declaration in writing, by electronic mail, within 10 working days.

## **ARGH.OVS.315 Proof of applicable authorisations**

Upon receiving a declaration from the GHSP, the competent authority shall ensure, where applicable, that the GHSP can prove that it has made the necessary arrangements in accordance with other applicable requirements concerning the authorisation to provide services at certain EU aerodromes. This proof shall be indicated in the declaration.

### *Rationale:*

*The GHSP must be compliant with the Council Directive 96/67/EC transposed in the national legislation of each Member State. That Directive grants a GHSP access to provide services at a given aerodrome.*

*The Council Directive 96/67/EC is of economic nature and regulates market access; it is not related to safety. Member States transpose the Directive into their national legislation in different ways. In some MS, this authorisation is issued by the aerodrome operators, while in other MS, it is issued by the competent authority of the aerodrome.*

*However, the new GH regulation will have to establish a connection with the Council Directive and ensure that the GHSP, before submitting a declaration, has obtained also the authorisation to provide services at the aerodromes specified in its declaration.*

*As far as self-handling organisations are concerned, those are usually permitted on aerodromes unless there is a lack of space. If there are some constraints with regard to the available space or capacity at an airport which do not permit self-handling, this is established via an exemption (Art. 9 of the Directive 96/67/EC). Otherwise, organisations performing self-handling do not need an authorisation to provide self-handling in the conditions specified in the Directive.*

*This rule is included here rather as a placeholder. Stakeholders are invited to comment on its usefulness.*

*It will be decided later if such a rule is necessary or if this can become part of the authority's procedure of acceptance, established through practice.*

## GM1 ARGH.OVS.315 Proof of applicable authorisations

### NECESSARY ARRANGEMENTS THAT MAY BE REQUIRED UPON RECEIVING A DECLARATION

Some aerodromes require that GHSP hold an authorisation to provide services at those aerodromes, as per the currently applicable Council Directive 96/67/EC. This Directive is transposed into the national legislation of the State where the aerodrome is located.

The applicable authorisation specified in the implementing rule refers to this Council Directive.

The declaration sent to the NAA should normally be the final step in the process of starting the provision of GH services at a certain aerodrome, regardless of whether that aerodrome falls under the scope of Council Directive or not.

## ARGH.OVS.320 Changes to the declaration

When receiving a notification of change from the GHSP as per ORGH.GEN.130, the competent authority shall assess the information provided in the notification, to verify the appropriate management of the change, and verify its compliance with the appropriate requirements applicable to the change. In case of any non-compliance, the competent authority shall:

- (a) Notify the GHSP about the non-compliance and request further changes; and
- (b) In case of level 1 or level 2 findings, act in accordance with point ARGH.OVS.330.

*Rationale: This rule is aligned with point (f) of ADR.AR.C.040 Changes.*

*More GM will be developed to explain what an assessment is expected to cover.*

## ARGH.OVS.330 Findings, observations, corrective actions and enforcement measures

- (a) The competent authority for oversight in accordance with ARGH.OVS.005(a) shall have a system to analyse findings for their safety significance.
- (b) A level 1 finding shall be issued by the competent authority when any significant non-compliance is detected with the applicable requirements of Regulation (EU) 2018/1139 and its delegated and implementing acts or with the content of the declaration which lowers safety or seriously hazards safety.
- (c) The level 1 findings shall include but not be limited to:
  - (1) failure to give the competent authority access to the facilities of the GHSP as defined in ORGH.GEN.140 during normal operating hours and after two written requests;
  - (2) obtaining or maintaining the validity of a declaration by falsification of submitted documentary evidence;
  - (3) evidence of malpractice or fraudulent use of the declaration;

- (4) the lack of an accountable manager;
  - (5) the training programme is not implemented, or the organisation has not provided appropriate training to its personnel;
  - (6) the absence or lack of implementation of a GSE maintenance programme.
- (d) A level 2 finding shall be issued by the competent authority when any non-compliance is detected with the applicable requirements of Regulation (EU) 2018/1139 and its delegated and implementing acts or with the content of the declaration which could lower or possibly hazard safety.
- (e) The level 2 findings shall include but not be limited to:
- (1) the records make the necessary traceability difficult;
  - (2) isolated cases of unidentifiable measuring and monitoring equipment or with metrological verification deadlines exceeded or which do not show the expiry date;
  - (3) isolated examples of the lack of signatures on documents and records, which do not immediately / directly affect the safety of operations / activities and / or the quality of services / products
- (f) When a finding is detected, during oversight or by any other means, the competent authority shall, without prejudice to any additional action required by Regulation (EU) 2018/1139 and its delegated and implementing acts, communicate the findings to the ground handling service provider in writing and request corrective action to address the non-compliance(s) identified.
- (1) In the case of level 1 findings, the competent authority shall take immediate and appropriate action to prohibit or limit activities and if appropriate, to limit or suspend the declaration in whole or in part, depending upon the extent of the finding, until successful corrective action has been taken by the GHSP. In doing so, the competent authority shall coordinate with other authorities, as necessary, to ensure that the continuity of operation and provision of GH services at that aerodrome are not impeded.
  - (2) In the case of level 2 findings, the competent authority shall:
    - (i) grant the GHSP a corrective action implementation period included in an action plan appropriate to the nature of the finding; and
    - (ii) assess the corrective action and implementation plan proposed by the GHSP and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.
  - (3) If the GHSP fails to submit an acceptable corrective action plan, or to perform the corrective action plan within the time period accepted or extended by the competent authority, the finding shall be raised to level 1 finding, and action taken as laid down in point (e)(1).
  - (4) The competent authority shall record all findings it has raised and where applicable, the enforcement measures it has applied as specified in Regulation (EU) 2018/1139 Article 62 points 1(e) and 9, as well as all corrective actions and date of action closure of findings.
- (g) By way of derogation from paragraphs (a) to (d), if during oversight or by any other means the competent authority finds evidence that indicates GHSP's non-compliance with the essential requirements set out in Annex VII to Regulation (EU) 2018/1139, with the requirements of this Regulation, the competent authority shall:
- (1) raise a finding, record it, communicate it in writing to the representative of the GHSP and determine a reasonable period of time within which the GHSP is to take the steps specified in point ORGH.GEN.150 Findings and corrective actions;

- (2) take immediate and appropriate action to limit or prohibit the GH activities affected by the non-compliance until the GHSP has taken the corrective action referred to in point (1), where any of the following situations occurs:
    - (i) a safety problem has been identified;
    - (ii) the GHSP fails to take corrective action in accordance with point ORGH.GEN.150;
  - (3) take any further enforcement measures necessary in order to ensure the termination of the non-compliance and, where relevant, remedy the consequences thereof.
- (h) For those cases not requiring level 1 or level 2 findings, the competent authority may issue observations.

#### *Rationale*

*Point (g) is drafted after the requirements of ARA.GEN.350(da) applicable to declared training organisations. Its purpose is to enable the application of enforcement measures to an organisation that is functioning in a declaration regime.*

## **ARGH.OVS.340 Cooperative oversight**

- (a) The competent authority shall establish procedures for participation in a mutual exchange of information and assistance with other competent authorities concerned, including the following:
  - (1) Information on the relevant findings raised and follow-up actions taken as a result of oversight of a GHSP that declares its activity to more than one competent authority, within one or more than one Member State, as the case may be; and
  - (2) Information stemming from mandatory and voluntary occurrence reporting as required by point ORGH.GEN.160 on occurrence reporting in response to such findings, and enforcement measures taken as a result of oversight.
- (b) When conducting oversight of a multi-national GHSP that declares its activities to more than one competent authority within one or more than one Member State, the competent authorities concerned shall make the necessary arrangements for an efficient oversight process, in order to:
  - (1) reduce multiple inspections and audits of the same elements of the GHSP's management system to the minimum number necessary to cover the scope of the oversight;
  - (2) agree on the same interpretation of the GHSP's potential systemic non-compliance with the same requirement;
  - (3) agree on the same approach towards the corrective actions to any systemic non-compliance related to the common elements of the GHSP's management system.
- (c) Notwithstanding point (b), each of the competent authorities responsible for the oversight of the same multi-national GHSP shall be responsible to conduct oversight of the GHSP's activities at the individual aerodromes in its jurisdiction and agree on the proposed corrective actions for operational non-compliances identified at the aerodromes subject to its oversight.

#### *Rationale:*

*This rule is intentionally developed as a stand-alone implementing rule to emphasize the relevance of the GH services as an interface in general and to consider in particular the specific regulatory context provided by the*

*Basic Regulation for GHSPs – which are connected to the aerodrome where they provide services and therefore, they must be overseen by all the competent authorities of the aerodromes where they operate.*

*It has been considered that in this particular context cooperative oversight over multi-national GHSP is instrumental for an efficient oversight and standardisation of oversight activities.*

*The purpose of this rule is to avoid the challenging and unnecessarily complicated situation in which a multi-national GHSP is subject to the oversight by as many competent authorities as there are Member States where it provides services. This would lead to an exaggerate number of audits and inspections without an added value to the safety of GH services provided. It would also create misalignments and potential conflicts as, for example, an element of the GHSP's management system could be accepted by one competent authority but challenged by another. A harmonised oversight process, which would ensure constant and full exchange of information from audits between all the competent authorities of the Member States where that GHSP operates, would simplify this situation to the benefit of all parties. It would also result in establishing a minimum number of audits to a GHSP.*

*Points (b) and (c) clarify that a competent authority remains responsible to perform oversight of the GHSP at the aerodromes in its own State. Nevertheless, when verifying the common elements specific to the GHSP's management system such as training programmes, manual and instructions, compliance monitoring, documentation management, etc., the competent authorities could reduce the number of such audits to the minimum necessary.*

*An efficient result can be obtained only if this issue is tackled from several angles, as standardisation of inspections cannot be ensured only through regulating the matter, but rather through practice, building mutual trust between competent authorities and ensuring a framework of constant communication and sharing of information and good practices.*

*Different opinions in oversight matters are not new and are certainly not specific to GH. It is common to other aviation domains, which have been regulated for many years. Improvement and standardisation of oversight activities come after a number of years of practice and open communication.*

*Cooperative oversight could also be adjusted to the business model adopted by a multi-national GHSP.*

*GHSPs worldwide apply different business models that could possibly influence the way in which cooperative oversight could be developed.*

*Some multi-national GHSP register their organisation as a stand-alone organisation in each MS. These 'national branches' operate almost independently from the core business, through a 'headquarter' established in each of the States where they provide services. This ensures much freedom in organising their management system as they see more appropriate to the national context of each State. For such a model, the organisation in each State has full responsibility and accountability to change its manuals, adapt the training programme, address findings and propose corrective actions as any other independent organisation. In such a case, cooperative oversight is minimal, as the competent authority of that MS will conduct oversight as for any other national GHSP that operates within that State.*

*Other multi-national GHSP are managing their worldwide operations from a single headquarter, which implies one single management system coordinated from the headquarter, and a centralised approach to any changes to the manuals and procedures, documentation, training, compliance monitoring, SMS, etc. In such a case, cooperative oversight should be employed to the maximum, and the competent authorities concerned should ensure they oversee the management system of that GHSP in the most efficient way – by agreeing on the same understanding of a potential non-compliance, the same corrective actions, and by also establishing how the oversight is being done to reduce the number of inspections of the same elements as much as possible.*

**Stakeholders are invited to propose good practices that could help establish effective cooperative oversight.**

## AMC1 ARGH.OVS.340 Cooperative oversight

### INFORMATION TO THE MULTI-NATIONAL GHSP

When performing oversight of GHSP that provide services at aerodromes in more than one Member State, the competent authorities concerned should inform the GHSP concerned of the approach taken and the scope of the audit/inspection.

## GM1 ARGH.OVS.340 Cooperative oversight

### SYSTEMIC AND OPERATIONAL NON-COMPLIANCES

- (a) A systemic non-compliance is understood as a non-compliance related to the general components of a GHSP's management system, such as the SMS, the compliance monitoring process, the documentation and records system, the training programme, the GH service manual, the GSE maintenance programme. A systemic non-compliance requires enhanced communication and cooperation between the competent authorities overseeing that GHSP, to agree on the same interpretation of a potential finding and the corrective actions to address that finding only one time and in the same manner.
- (b) By comparison, an operational finding is specific to each station/aerodrome, as it is related to the individual way in which the management system or operational requirements are implemented at that station/aerodrome. These are, by default, non-systemic issues, which are specific to a single station/aerodrome and have not been identified on other stations/aerodromes where that GHSP provides services. An operational non-compliance does not necessarily require a considerable involvement – if at all – of another competent authority to agree on the corrective action and close the finding.

#### *Rationale*

*This GM explains the two terms introduced in the implementing rule, of systemic finding vs an operational finding. These different types of findings will determine the need of applying cooperative oversight to a multi-national GHSP or not.*

## GM2 ARGH.OVS.340 Cooperative oversight

### METHODS TO IMPLEMENT COOPERATIVE OVERSIGHT

The competent authorities performing oversight of a multi-national GHSP that provides services to aerodromes located in different Member States could consider any of the examples provided below to ensure cooperative oversight:

- (a) Organise joint inspections of the management system of the GHSP.
- (b) Agree to have some oversight tasks performed by another competent authority involved in cooperative oversight. The competent authorities should also cover aspects related to the confidentiality of shared data in compliance with Regulation (EU) 2016/679 General Data Protection Regulation (GDPR).
- (c) Organise joint assessment of findings to the GHSP management system.
- (d) Develop common guiding checklists to conduct the oversight inspections/audits.

(e) Performing audits by each competent authority concerned on a rotation basis.

Additional support could refer to the translation of relevant parts of an audit report or of occurrence reports from the original language into English or any other language that the competent authorities concerned agree upon.

*Rationale:*

*The purpose of this GM is to provide a few examples of methods that competent authorities could use to perform cooperative oversight.*

*Existing guidelines or good practices for cooperative oversight can be used and adapted to the specifics of the GH activities. For example, the guidelines for competent authorities developed in the air operations domain for the oversight of AOC holders using the business model of group operations (to be published on the EASA website in 2022) can be used as a good practice guidance to ensure cooperative oversight.*

*Stakeholders are invited to state their opinion on the possibility to elevate this GM at AMC level.*

## **GM2 ARGH.OVS.340(a);(b) Cooperative oversight**

### **COMPETENT AUTHORITIES IN ONE OR MORE THAN ONE MEMBER STATE**

The implementing rule uses the wording 'Competent authorities in one or more than one Member State to enable the application of the implementing rule to Member States that have more than one competent authority for an aviation domain, depending on their administrative system.'