



EUROPEAN
COMMISSION

Brussels, **XXX**
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Annex to EASA Opinion No 01/2024

COMMISSION IMPLEMENTING REGULATION (EU) .../...

of **XXX**

amending Commission Regulation (EU) No 965/2012 as regards requirements for aircraft operators related to ground handling activities

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amending Regulation (EU) No 965/2012 as regards requirements for aircraft operators related to ground handling activities

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91⁽¹⁾, and in particular Article 31(1)(a) thereof,

Whereas:

- (1) Regulation (EU) 2018/1139 establishes the essential requirements for the safe provision of ground handling services by organisations providing ground handling services and aircraft operators performing self-handling.
- (2) Commission Regulation (EU) No 965/2012 ⁽²⁾ lays down technical requirements and administrative procedures related to air operations, and among others, to instructions and procedures for personnel involved in ground operations, duties, responsibilities, and training of personnel involved in ground operations, and contracted activities of aircraft operators. Such technical requirements and administrative procedures should be updated, clarified, and aligned with the requirements on ground handling services and organisations providing them as laid down in Commission Delegated Regulation (EU) xx [ground handling].
- (3) To ensure a high level of civil aviation safety in the Union, the Regulation should reflect the state of the art and best practices in the field of ground handling; take into account the applicable International Civil Aviation Organization (hereinafter referred to as ‘ICAO’) Standards and Recommended Practices; and worldwide ground handling operation experience, as well as scientific and technical progress in the ground handling domain; be proportionate to the size and complexity of the ground handling activities; and provide for the necessary flexibility for customised compliance.
- (4) Regulation (EU) No 965/2012 should therefore be amended to accommodate the changes brought about by the provisions on ground handling laid down in Commission Delegated Regulation xx [ground handling], both when these services are contracted to a third-party ground handling service provider and when they are performed as self-handling by

⁽¹⁾ [OJ L 212, 22.8.2018, p.1.](#)

⁽²⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ([OJ L 296, 25.10.2012, p. 1](#)).

aircraft operators performing commercial air transport operations with complex motor-powered aeroplanes.

- (5) For aircraft operators performing self-handling, which already have a management system in place, the ground handling requirements should be easy to integrate so as to create minimum disruptions to the established system of the operator. Therefore, the requirements covering ground handling activities should only cover the differences and the missing elements of the aircraft operator's management system, thus avoiding contradictions or duplications of the existing requirements.
- (6) The ground handling requirements applicable to aircraft operators introduce new terms to define ground handling tasks and processes, and new definitions should therefore be added for these terms.
- (7) All organisations under Regulation (EU) 2018/1139 are responsible for managing safety risks and aiming for continuous improvement of safety including mutual sharing of safety relevant information. The purpose is to ensure a common approach when addressing the safety risks of the interfaces in GH operations, beyond the occurrence reporting obligations. This approach would complete the occurrence reporting obligations to competent authorities and would ensure a more direct flow of safety information among the stakeholders concerned. Therefore, the rules should be amended to enable aircraft operators to share relevant safety information resulting from occurrence reports or oversight inspections and audits with other organisations to support them in maintaining safety of their own operations.
- (8) As part of ensuring a baseline safety of the ground handling services at the Union aerodromes within the scope of Regulation (EU) 2018/1139, aircraft operators should only use the ground handling services of a ground handling organisation that operates under the terms of a declaration submitted in accordance with Commission Delegated Regulation xx [ground handling]. Regulation (EU) No 965/2012 should be amended to reflect this.
- (9) The essential requirements of Regulation (EU) 2018/1139 mandate that organisations provide ground handling services in accordance with the operational instructions and procedures of the aircraft operators. The operational procedures for the same ground handling service applied to the same type of aircraft may differ significantly between aircraft operators, and this increases the risk of human error as it could lead to aircraft damage and endanger flight safety. Therefore, harmonisation of various operational procedures is essential for safe and efficient provision of ground handling services. The Regulation should enable the reduction of the many different operational procedures for the same ground handling service applied to the same type of aircraft as much as possible and ensure the harmonisation of those procedures. Since ground handling organisations are required to develop their own operational procedures for the provision of ground handling services and maintain a balance between safety and commercial pressure, the air operations rules should be amended to allow aircraft operators to agree that the ground handling organisation declaring its activity in accordance with Commission Delegated Regulation xx [ground handling] applies its own operational procedures for the provision of the ground handling services.
- (10) To ensure proportionality of scope and alignment with Commission Delegated Regulation xx [ground handling], only operators of aeroplanes performing commercial air transport operations with complex motor-powered aeroplanes when performing self-handling will be affected by the new responsibilities related to ground handling. The air operations rules should contain the necessary link to Regulation Commission Delegated Regulation xx

[ground handling], thus avoiding any duplications. At the same time, the requirements should provide a safety baseline for the provision of ground handling services that are excluded from Commission Delegated Regulation xx [ground handling] and remain under the full responsibility and control of the aircraft operator.

- (11) Aircraft operators are responsible for the performance of certain ground handling activities that remain under their full control and are not covered by Commission Delegated Regulation xx [ground handling]. Such is the case of ground supervision when this activity is performed as self-handling by any operator, with its own personnel, as well as certain phases of the load control process, namely mass and balance calculations, load planning, issuance of mass and balance documents, and related communications, regardless of whether these activities are performed as self-handling or outsourced as contracted services. The air operations rules should be amended to clarify the operator's responsibilities concerning these ground handling activities.
- (12) Load control is a ground handling process that is both safety-critical and complex. The load control process consists of several phases and implies clear allocation of tasks and responsibilities among persons involved in their execution. Mass and balance calculations, load planning, issuance of mass and balance documents and related communications are parts of the load control process that remain in full control and responsibility of the aircraft operator, as being entirely based on data provided by the aircraft manufacturer and aircraft operator. Although this process is already known to aircraft operators and applied as part of their operational control system, the current rules do not define the load control process and do not identify the various tasks and responsibilities of the persons performing these activities. Since the phases of the load control process identified above may be performed either by the aircraft operator as self-handling or contracted to a third-party ground handling organisation, it is important that the rules provide clarity and legal certainty in this respect, for all types of operations, as well as a level playing field for all organisations performing these activities. The air operations requirements should be amended to ensure that the load control functions and responsibilities of the persons involved are identified and described in the operations manual of the operator.
- (13) The training programme for ground handling personnel of the aircraft operators performing self-handling should also be included in their operations manual without any approval by the competent authority. However, in order to ensure equal treatment for all organisations providing ground handling services, the training programme included in the operations manual should only be subject to verification during the regular oversight activities. The relevant air operations requirement should be amended accordingly to reflect this equal treatment.
- (14) The requirements laid down in this Regulation are based on Opinion No 01/2024 issued by the Agency in accordance with Article 75(2) points (b) and (c) and Article 76(1) of Regulation (EU) 2018/1139.
- (15) The requirements laid down in this Regulation are in accordance with the opinion of the committee established by Article 127 of Regulation (EU) 2018/1139.
- (16) It is necessary to provide sufficient time for the ground handling industry and competent authorities to implement the new regulatory framework after the entry into force of this Regulation, therefore a transition period of 3 years should be provided in the Regulation,

HAS ADOPTED THIS REGULATION:

Article 1
Amendments to the Annexes to Regulation (EU) No 965/2012

Annexes I, III, and IV to Regulation (EU) No 965/2012 are amended in accordance with the Annex to this Regulation.

Article 2
Entry into force and application

1. This Regulation shall enter into force on the [twentieth] day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from [3 years from the date of entry into force].

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

Done at Brussels,

For the Commission
The President
[\[...\]](#)