



Brussels, **XXX**  
[...](2023) **XXX** draft

**Annex 3 to EASA Opinion No 02/2023**

**COMMISSION DELEGATED REGULATION (EU) .../...**

**of **XXX****

**amending Regulation (EU) No 139/2014 as regards the requirements on communications**

## **EXPLANATORY MEMORANDUM**

### **1. CONTEXT OF THE DELEGATED ACT**

This is a consequential amendment of Regulation (EU) No 139/2014 <sup>(1)</sup> (the Aerodrome Regulation) resulting from the amendment of Regulation (EU) 923/2012 <sup>(2)</sup> on the standardised European rules of the air (the SERA Regulation) under RMT.0476 ‘Regular update of standardised European rules of the air’, proposed by EASA with Opinion No 02/2023.

The amendment is necessary because Appendix 1 ‘Signals’ to the SERA Regulation is amended with the inclusion of the instructions for ground vehicles or pedestrians. This would result in a duplication of the same requirement on a different level in the two Regulations. In the SERA Regulation it is implementing rule, whereas in the Aerodrome Regulation it is part of an acceptable means of compliance (AMC). In order to resolve the contradiction, the Aerodrome Regulation refers to Appendix 1 to the SERA Regulation similarly as in other points of the same Regulation and the AMC is amended accordingly. This means that the prescription of all requirements on signals are in Appendix 1 to the SERA Regulation and the amendment of ADR.OPS.B.031 of the Aerodrome Regulation refers to that Appendix.

### **2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT**

In accordance with Article 128(4) of Regulation (EU) 2018/1139, before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. The subject draft delegated act was presented to the Air Safety experts group, which includes representatives from the Member States, at its meeting on [...]. The present draft delegated act is based on EASA Opinion No 02/2023 whose draft content had been publicly consulted through Notice of Proposed Amendment (NPA) 2022-04 ‘Regular update of the SERA regulatory framework’ (RMT.0476) issued by EASA on 25 May 2022.

### **3. LEGAL ELEMENTS OF THE DELEGATED ACT**

Articles 39 and 62(13) of Regulation (EU) 2018/1139 empower the Commission to adopt delegated acts, in accordance with Article 128 of that Regulation, laying down detailed rules regarding the operation of aerodromes.

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<sup>1</sup> Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council ([OJ L 44, 14.2.2014, p. 1](#)).

<sup>2</sup> Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010 ([OJ L 281, 13.10.2012, p. 1](#)).

# COMMISSION DELEGATED REGULATION (EU) .../...

of **XXX**

**amending Regulation (EU) No 139/2014 as regards the requirements on communications**

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 Regulation (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 <sup>(3)</sup>, and in particular Article 39(1) thereof,

Whereas:

- (1) Commission Regulation (EU) No 139/2014 lays down requirements and administrative procedures related to aerodromes, including their management, operation, certification and oversight.
- (2) Vehicle drivers and their communication are contributing factors to runway safety events and damage to aircraft. That is why it is required that the aerodrome operator shall, in coordination with the air traffic services provider, establish communication procedures. Such procedures shall cover the case of radio communication failure procedure.
- (3) Regulation (EU) 923/2012 contains the standardised European rules of the air and, as such, it contains communication requirements addressing pilots, air traffic service providers and aerodrome operators. Section 14 ‘Voice communication procedures’ of said Regulation addresses requirements on radio communication failure procedures. Appendix 1 to said Regulation contains all other signals used among pilots, air traffic service providers and ground personnel.
- (4) Regulation (EU) No 139/2014 should therefore be amended to contain a direct reference to Appendix 1 to Regulation (EU) No 923/2012.
- (5) The industry and the competent authorities of the Member States should be given sufficient time to adapt to the measures introduced by this Regulation.
- (6) In accordance with Article 75(2), points (b) and (c), and Article 76(1) of Regulation (EU) 2018/1139, the European Union Aviation Safety Agency prepared and submitted to the Commission Opinion No 02/2023 <sup>(4)</sup> as regards draft implementing rules,

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<sup>3</sup> [OJ L 212, 22.8.2018, p. 1.](#)

<sup>4</sup> <https://www.easa.europa.eu/document-library/opinions>

HAS ADOPTED THIS REGULATION:

*Article 1*

In Annex IV to Regulation (EU) No 139/2014, point (b)(4) in ADR.OPS.B.031 is replaced by the following:

- ‘(4) signals in accordance with the applicable requirements of point 3.1.3 ‘Instructions for ground vehicles or pedestrians’ of Appendix 1 to Regulation (EU) No 923/2012 and other communication means, to be used, in all visibility conditions, in the case of radio communication failure between the air traffic services unit and vehicles or pedestrians on the manoeuvring area.’.

*Article 2*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from [...] (12 months after its 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*

[...]