

Draft Annex to draft Commission Delegated Regulation (EU) .../... amending Regulation (EU) No 139/2014 as regards aerodrome safety, change of aerodrome operator and occurrence reporting

A. Regulation (EU) No 139/2014 is amended as follows:

1. In Article 7 of Regulation (EU) No 139/2014, the following point 4 is added:

‘4. The Deviation Acceptance and Action Document (DAAD) attached to the certificate shall be transferred to the new aerodrome operator to whom the operation of the aerodrome is to be transferred, provided that the conditions referred to in paragraphs 1 and 3 are met.’.

B. Annex I (Definitions for terms used in Annexes II to IV) to Regulation (EU) No 139/2014 is amended as follows:

2. The following point (4a) is inserted:

‘(4a) “aerodrome traffic density” means the number of movements in the mean busy hour and is the arithmetic mean over the year of the number of movements in the daily busiest hour:

- (a) light: where the number of movements in the mean busy hour is not greater than 15 per runway, or typically less than 20 total aerodrome movements.
- (b) medium: where the number of movements in the mean busy hour is of the order of 16 to 25 per runway, or typically between 20 to 35 total aerodrome movements.
- (c) heavy: where the number of movements in the mean busy hour is of the order of 26 or more per runway, or typically more than 35 total aerodrome movements.’;

3. the following point (19b) is inserted:

‘(19b) “hot spot” means a location on an aerodrome movement area with a history or potential risk of collision or runway incursion, and where heightened attention by pilots/drivers is necessary.’;

4. point (47) is replaced by the following:

‘(47) “terms of the certificate” means all the following:

- ICAO location indicators,
- conditions to operate (VFR/IFR, day/night),
- aeroplane operations on specially prepared winter runways,

- runway — declared distances,
- runway types and approaches provided,
- aerodrome reference code,
- scope of aircraft operations exceeding the certified design characteristics of the aerodrome,
- provision of apron management services (yes/no),
- rescue and firefighting level of protection.’.

C. Annex II (Part-ADR.AR) to Regulation (EU) No 139/2014 is amended as follows:

5. in point ADR.AR.C.035, point (c) is replaced by the following:

‘(c) The Competent Authority shall issue the certificate(s) prescribed in point (b) when the aerodrome operator has demonstrated to the satisfaction of the Competent Authority compliance with points ADR.OR.B.025 and ADR.OR.E.005. In case of change of the aerodrome operator, demonstration of compliance may not be required for these elements included in point (a)(1) of point ADR.OR.B.025 and point ADR.OR.E.005, if these elements remain unchanged.’;

6. the following point ADR.AR.C.060 is inserted:

‘ADR.AR.C.060 Change of aerodrome operator

Upon receiving an application for the change of an aerodrome operator, in accordance with point ADR.OR.B.060, the Competent Authority shall:

- (a) issue the new certificate(s) in accordance with point ADR.AR.C.035; and
- (b) revoke the previous certificate(s).’.

D. Annex III (Part-ADR.OR) to Regulation (EU) No 139/2014 is amended as follows:

7. the following point ADR.OR.B.060 is inserted:

‘ADR.OR.B.060 Change of aerodrome operator

- (a) The current aerodrome operator shall notify to the Competent Authority the date on which the transfer will occur.
- (b) The new operator to whom the operation of the aerodrome is to be transferred shall apply for a certificate to the competent authority, prior to the date on which the transfer will occur, in accordance with point ADR.OR.B.015.
- (c) The new operator to whom the operation of the aerodrome is to be transferred shall demonstrate compliance in accordance with point ADR.OR.B.025. A demonstration of compliance may not be required for those elements included in point (a)(1) of point ADR.OR.B.025 and point ADR.OR.E.005 if these elements remain unchanged.’;

8. point ADR.OR.C.030 is replaced by the following:

‘ADR.OR.C.030 Occurrence reporting

- (a) As part of its management system, the aerodrome operator shall establish and maintain an occurrence-reporting system, including mandatory and voluntary reporting. The aerodrome operator shall ensure that the system complies with the applicable requirements of Regulation (EU) No 376/2014 and Regulation (EU) 2018/1139, as well as with the delegated and implementing acts adopted on the basis of those Regulations.
- (b) The aerodrome operator shall report to the competent authority and to any other organisation required to be informed by the Member State any safety-related event or condition that endangers or, if not corrected or addressed, could endanger an aircraft, its occupants, or any other person, and in particular any accident or serious incident.
- (c) Without prejudice to point (b), the aerodrome operator shall report to the competent authority and the organisation responsible for the design of the aerodrome equipment any malfunction, technical defect, exceedance of technical limitations, occurrence or other irregular circumstance that has or may have endangered an aircraft, its occupants or any other person and has not resulted in an accident or serious incident.
- (d) Without prejudice to Regulation (EU) No 376/2014 and its delegated and implementing acts, reports referred to in point (c) shall:
 - (1) be made as soon as practicable, but in any case within 72 hours after the aerodrome operator has become aware of the event or condition to which the report relates, unless exceptional circumstances prevent this;
 - (2) be made in a form and manner established by the Competent Authority;

- (3) contain all pertinent information about the condition known to the aerodrome operator.
 - (e) Without prejudice to Regulation (EU) No 376/2014 and its delegated and implementing acts, for reports required by point (c), where relevant, a follow-up report providing details of actions the organisation intends to take to prevent similar occurrences in the future shall be made as soon as these actions have been identified; those follow-up reports shall:
 - (1) be sent to the relevant entities initially reported to in accordance with points (b) and (c); and
 - (2) be made in a form and manner established by the Competent Authority.’;
9. in point ADR.OR.D.005, point (11) of point (b) is replaced by the following:
‘(11) a function to monitor compliance of the organisation with the relevant requirements and adequacy of the procedures; compliance monitoring shall include a feedback system of findings to the accountable manager to ensure effective implementation of corrective actions, as necessary.’;
10. point ADR.OR.D.025 is replaced by the following:
‘ADR.OR.D.025 Coordination with other organisations
The aerodrome operator shall:
 - (a) ensure that its management system addresses the coordination and interface with the safety procedures of other organisations operating or providing services at the aerodrome; and
 - (b) ensure that such organisations have safety procedures in place to comply with the applicable requirements of Regulation (EU) 2018/1139 and its delegated and implementing acts, as well as with the aerodrome manual established and maintained in accordance with point ADR.OR.E.005.’;
11. point ADR.OR.D.027 is replaced by the following:
‘ADR.OR.D.027 Safety programmes and aerodrome safety committees
 - (a) As part of its management system, the aerodrome operator shall establish, implement and lead safety programmes to promote and enhance safety, including runway safety, and the exchange of safety-relevant information with all relevant organisations that operate or provide services at the aerodrome. The aerodrome operator shall review, at least on an annual basis, the effectiveness of its safety programmes.
 - (b) As part of the safety programmes referred to in point (a), the aerodrome operator shall:

- (1) establish, lead and be responsible for the functioning of the local runway safety team and other aerodrome safety committees;
 - (2) request all relevant organisations that operate or provide services at the aerodrome to participate in the local runway safety team and in other aerodrome safety committees through nominated representatives that have appropriate and suitable operational expertise, relevant to the subject of the local runway safety team or the aerodrome safety committee(s) respectively.
- (c) The aerodrome operator shall ensure that:
- (1) the local runway safety team and the other aerodrome safety committees convene at least:
 - (i) on a quarterly basis at aerodromes where traffic density is high;
 - (ii) twice per year at aerodromes where traffic density is medium; and
 - (iii) on a yearly basis at aerodromes where traffic density is light;
 - (2) their proposals and actions are recorded in an action plan and followed up to ensure timely implementation.
- (d) The local runway safety team and the other aerodrome safety committees shall:
- (1) support the identification and multidisciplinary review of local safety issues, especially with regard to runway safety;
 - (2) propose possible mitigating measures and relevant action plans to be implemented by the organisations concerned to enhance safety; the aerodrome operator shall ensure the implementation of the action plans; and
 - (3) consider the need to develop regular local safety awareness campaigns and joint training programmes for the personnel of all relevant organisations.
- (e) The aerodrome operator shall establish and implement a procedure(s) to ensure the implementation of points (a) to (d).’;
12. in point ADR.OR.D.030, the following point (b) is inserted. Current points (b), (c), (d) are renumbered (c), (d) and (e) respectively.
- ‘(b) The aerodrome operator shall establish reporting arrangements with all organisations that operate or provide services at the aerodrome whose activities or products may have an effect on aircraft safety.’
13. in point ADR.OR.F.055, the following point (e) is added:
- ‘(e) The organisation responsible for the provision of AMS shall ensure that any occurrences are reported to the person who performs a function connected to the safety

management of the aerodrome operator, in accordance with Article 4(6)(e) of Regulation (EU) No 376/2014.’

E. Annex IV (Part-ADR.OPS) to Regulation (EU) No 139/2014 is amended as follows:

14. the following point ADR.OPS.B.011 is inserted:

‘ADR.OPS.B.011 Removal of disabled aircraft

- (a) The aerodrome operator shall establish a plan for the removal of an aircraft disabled on, or adjacent to, the movement area, and designate an aerodrome coordinator to implement the plan.
- (b) The disabled aircraft removal plan shall include at least the following:
 - (1) the contact details of the aerodrome coordinator of operations for the removal of an aircraft disabled on or adjacent to the movement area;
 - (2) responsibilities, actions and lines of communication for each organisation involved;
 - (3) a list of equipment and a list of personnel at, or in the vicinity of, the aerodrome which are available for such purpose;
 - (4) any arrangements for the rapid receipt of aircraft recovery equipment kits available from other aerodromes, as applicable.’;

15. point ADR.OPS.B.070 is replaced by the following:

‘ADR.OPS.B.070 Aerodrome works safety

- (a) The aerodrome operator shall establish and implement a process for managing the aerodrome’s operational safety during works on the movement area.
- (b) The process shall establish and document the responsibilities as regards:
 - (1) the authorisation to perform the works;
 - (2) the implementation of any proposed change to operational facilities;
 - (3) the date and time when operations in the facilities will be limited or discontinued;
 - (4) the methods by which such changes will be promulgated;
 - (5) the oversight and control of the work in progress; and
 - (6) the compliance with all relevant movement area safety rules.
- (c) The process for managing the aerodrome’s operational safety during works should contain the following elements:
 - (1) a works’ planning procedure;

- (2) a procedure for the safety assessment of the planned changes to the aerodrome's operations or systems;
 - (3) a works' authorisation procedure;
 - (4) a procedure for the promulgation of information related to the works;
 - (5) a procedure for worksite establishment and return to operations; and
 - (6) a procedure for the monitoring, oversight and control of the works.
- (d) Where reduced runway length operations are required due to works, the aerodrome operator shall develop and implement a procedure for such operations.';

16. the following point ADR.OPS.B.071 is inserted:

'ADR.OPS.B.071 Closed runways and taxiways, or parts thereof

- (a) The aerodrome operator shall ensure that closed markings are displayed on:
 - (1) a runway or a taxiway, or a portion thereof, which is permanently closed to use by all aircraft; and
 - (2) a temporarily closed runway or taxiway, or a portion thereof, except that such markings may be omitted when the closure is of a short duration and adequate warning is provided by air traffic services.
- (b) The aerodrome operator shall ensure that when a runway or a taxiway, or a portion thereof, is permanently closed, all runway and taxiway markings are physically removed.
- (c) The aerodrome operator shall ensure that lighting on a closed runway or taxiway, or a portion thereof, is not operated, except as required for maintenance purposes.
- (d) The aerodrome operator shall ensure that in addition to closed markings, when a runway, a taxiway, or a portion thereof, is closed and is intercepted by a usable runway or taxiway which is used at night, unserviceability lights shall be placed across the entrance to the closed area.';

17. point ADR.OPS.B.090 is replaced by the following:

'ADR.OPS.B.090 Use of the aerodrome by aircraft exceeding the certified design characteristics of the aerodrome

- (a) Except for aircraft emergency situations, an aerodrome operator may, subject to prior approval by the Competent Authority, permit the use of the aerodrome or parts thereof by aircraft exceeding the code letter and/or the outer main gear wheel span of the certified design characteristics of the aerodrome.

- (b) For aircraft referred to in point (a), the aerodrome operator shall assess the impact of the applicable aircraft characteristics referred to in point (c) on the aerodrome infrastructure, its facilities, equipment, and operation, and vice versa.
- (c) The following aircraft characteristics shall be assessed, as applicable:
 - (1) wingspan;
 - (2) outer main gear wheel span;
 - (3) wheel base;
 - (4) fuselage length;
 - (5) fuselage width;
 - (6) fuselage height;
 - (7) nose geometry;
 - (8) tail height;
 - (9) wing tip vertical clearance;
 - (10) cockpit view;
 - (11) distance from the pilot's eye position to the nose landing gear;
 - (12) main landing gear layout;
 - (13) gear steering system;
 - (14) maximum aircraft mass;
 - (15) landing gear geometry, tyre pressure and aircraft classification values;
 - (16) engine characteristics;
 - (17) maximum passenger and fuel carrying capacity;
 - (18) flight performance.
- (d) In showing compliance with points (a) to (c), the provisions of point ADR.OR.B.040 shall apply.'

18. the following point ADR.OPS.B.095 is inserted:

'ADR.OPS.B.095 Hot spots

- (a) The aerodrome operator, as part of the runway safety programme it has established in accordance with point (b)(1) of point ADR.OPS.D.027 shall, whenever necessary, designate a location or several locations on the movement area of the aerodrome as 'hot spot(s)'.

- (b) Once a hot spot has been identified, the aerodrome operator shall implement measures to remove the hazard, and if this is not immediately possible, provide the relevant aeronautical data to the responsible aeronautical information services (AIS) unit for publication in the aeronautical information publication (AIP).’;
19. the following point ADR.OPS.B.100 is inserted:
- ‘ADR.OPS.B.100 Suspension of runway operations and runway closure**
- (a) The aerodrome operator shall establish and implement, in cooperation with air traffic services, procedures for the temporary suspension of runway operations or planned runway closure.
 - (b) The procedures shall contain the following:
 - (1) roles and responsibilities of the aerodrome operator, the air traffic services and other organisations involved in aerodrome operations, as appropriate to the situation;
 - (2) access of personnel to the closed runway;
 - (3) safety measures in accordance with points ADR.OPS.B.070 and ADR.OPS.B.071;
 - (4) publication of a NOTAM in accordance with point ADR.OPS.A.057, except when the suspension of runway operations is expected to be of short duration; and
 - (5) actions before recommencement of runway operations.’;

20. the following point ADR.OPS.C.011 is inserted:

‘ADR.OPS.C.011 Overload operations

Whenever the aerodrome is expected to be used regularly by aircraft that may damage the pavements, the aerodrome operator shall establish criteria for overload operations.’.