



EUROPEAN
COMMISSION

Brussels, **XXX**
[...](2024) **XXX**

Annex to EASA Opinion No 01/2024

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

of **XXX**

laying down requirements for the oversight of ground handling services and organisations providing them pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council

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

of **XXX**

laying down requirements for the oversight of ground handling services and organisations providing them pursuant to Regulation (EU) 2018/1139 of the European Parliament and of the Council

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 Articles 62 (14) point (d), (15) points (a), (b) and (c), and 72(5) thereof,

Whereas:

- (1) Regulation (EU) 2018/1139 establishes the essential requirements for the safe provision of ground handling services and organisations providing them at aerodromes within the scope of that Regulation, as well as provisions for oversight by national competent authorities of those organisations and the ground handling services provided at the Union aerodromes within the scope of that Regulation.
- (2) To ensure a high level of civil aviation safety in the Union, and in line with the principle of subsidiarity, 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 (hereinafter referred to as ‘SARPs’); 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.
- (3) The Regulation should provide a framework for the Member States to validate the industry standards that may be used by organisations to meet the safety objectives stated in the requirements by establishing an effective process of evaluation of the industry standards for all Member States. The rules should also establish clear quality criteria that have to be met by a set of procedures or guidelines in order for industry standards to be considered eligible for the assessment of competent authorities.
- (4) Oversight should be proportionate to the safety risks entailed by the ground handling activities. Therefore, the Regulation should provide the background for the implementation of a risk-based oversight. In a risk-based oversight environment, measurable safety improvements are automatically followed by a reduction of oversight

⁽¹⁾ [OJ L 212, 22.8.2018, p.1.](#)

pressure. An increase of trust in the other organisations' management system would bring efficiency gains that will benefit all organisations involved in ground handling activities.

- (5) To ensure the implementation of a risk-based oversight, the oversight programme should be partly based on safety data collected from ground handling organisations which would support competent authorities in having a complete safety picture of each ground handling organisation subject to oversight. The safety reporting practices should also be improved so that organisations provide safety reports that provide reliable and sufficient information to enable accurate safety analysis. On the other hand, also considering the safety risk exposure of ground handling activities and the declaration regime, the oversight cycle should be less strict than the one applied to certified organisations and flexible enough to permit adjustment to a shorter or longer interval than that established in the requirements, depending on the safety performance of the ground handling organisations under their oversight.
- (6) This Regulation should establish a framework for competent authorities to provide direct and consistent feedback on reported ground handling events directly to the ground handling organisations.
- (7) Regulatory measures should prioritise cooperation between national competent authorities in overseeing organisations providing ground handling services in more than one Member State, to improve resource utilisation and avoid duplication of work and oversight.
- (8) The recognition of declarations in all Member States without further requirements or evaluation should facilitate the sharing of tasks among national competent authorities involved in the oversight of organisations providing ground handling services at aerodromes in more than one Member State. Good coordination of the entire process and sharing of oversight tasks between the Member States concerned are crucial in ensuring an efficient cooperative oversight. In this sense, national competent authorities involved in the cooperative oversight process should rely on clear rules defining their tasks and have the right tools so that they can share among themselves the results of the oversight activities performed at the aerodromes under their oversight and at the organisation's operational centre, from where it exercises control and applies the management system across all its stations.
- (9) Oversight by national competent authorities should be conducted by competent inspectors with appropriate skills and experience to cover all the aspects of the ground handling activities under their oversight. The rules should be flexible enough to cater for the particularities of each Member State and the availability of resources for these activities. As such, national competent authorities should be able to use, for the oversight of ground handling organisations and their activities, inspectors responsible for the oversight of other fields, such as air operations or aerodrome operations. The experience and qualifications of these inspectors in different fields that have applicability in ground handling operations should therefore also be allowed to perform oversight in the ground handling domain.
- (10) It is necessary to provide sufficient time for the 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.

- (11) The measures provided for 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.
- (12) 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,

HAS ADOPTED THIS REGULATION:

Article 1
Subject matter

This Regulation lays down detailed rules on the oversight of ground handling services and organisations providing such services by the competent authority as set out in the Annex to this Regulation.

Article 2
Oversight

1. Member States shall designate one or more entities as the competent authority within that Member State with the necessary powers and responsibilities for the oversight and enforcement tasks regarding ground handling organisations operating at the aerodromes within the scope of Regulation (EU) 2018/1139.
2. Member States shall ensure that competent authorities exercise their powers impartially and transparently.
3. If a Member State designates more than one competent authority, the following conditions shall be complied with:
 - (a) The areas of competence of each competent authority shall be defined in terms of responsibilities and geographic limitations; and
 - (b) Coordination shall be established between those authorities to ensure effective oversight of all ground handling activities and organisations performing them within their respective remits.
4. Member States shall ensure that the competent authorities have the necessary capabilities and resources to fulfil their responsibilities under this Regulation.
5. Member States shall ensure that the competent authorities' personnel do not perform oversight activities when there is evidence that this could result directly or indirectly in a conflict of interest, in particular when relating to family or financial interest.
6. The competent authorities shall comply with the authority requirements as set out in the Annex to this Regulation.
7. Personnel authorised by the competent authority to carry out oversight tasks shall be empowered to perform at least the following tasks:
 - (a) examine the records, data, procedures and any other material relevant to the execution of the oversight task;
 - (b) take away copies of or extracts from such records, data, procedures and other material; ask for an oral explanation when necessary;

- (c) enter relevant premises, operating sites or other relevant areas and means of transport;
 - (d) perform audits, investigations, tests, exercises, assessments, inspections; and
 - (e) take or initiate enforcement measures as appropriate.
8. For the purposes of compliance with Regulation (EU) 2022/1645 ⁽²⁾, Member States may designate an independent and autonomous entity to fulfil the assigned role and responsibilities of the competent authority referred to in Article 5 of that Regulation. In that case, coordination measures shall be established between that entity and the competent authority, to ensure effective oversight of all the requirements to be met by the ground handling organisation.

Article 3 *Definitions*

For the purposes of this Implementing Regulation, the following definitions shall apply:

‘audit’ means a systematic, independent and documented process for obtaining evidence and evaluating it objectively to determine the extent to which requirements are complied with. Audits may include inspections;

‘inspection’ means, in the context of compliance monitoring and oversight, an independent and documented conformity evaluation by observation and judgement accompanied, as appropriate, by measurements, testing or gauging, in order to verify compliance with applicable requirements. An inspection may be part of an audit but may also be conducted outside the normal audit plan; for example, to verify the closure of a particular finding.

Article 4 *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].
3. By derogation from point ARGH.OVS.305(d), competent authorities shall perform at least one comprehensive oversight of all declared organisations in their Member State in the first 5 years after the date of application of this Regulation. The competent authority shall take into account the prior operational experience of an organisation when developing its oversight plan.
4. The following points shall apply from [6 years from the date of entry into force]:
 - (a) point ARGH.GEN.125(c),
 - (b) point ARGH.GEN.136,
 - (c) point ARGH.MGM.200(c),

⁽²⁾ Commission Delegated Regulation (EU) 2022/1645 of 14 July 2022 laying down rules for the application of Regulation (EU) 2018/1139 of the European Parliament and of the Council, as regards requirements for the management of information security risks with a potential impact on aviation safety for organisations covered by Commission Regulations (EU) No 748/2012 and (EU) No 139/2014 and amending Commission Regulations (EU) No 748/2012 and (EU) No 139/2014 ([OJ L 248, 26.9.2022, p. 18](#)).

- (d) point ARGH.MGM.205(e),
- (e) point ARGH.MGM.211,
- (f) point ARGH.OVS.300(f).

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

Done at Brussels,

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