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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	9 June 2020
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

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Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 9.6.2020 amending Regulation (EU) No 139/2014 as regards the conditions and procedures for the declaration by organisations responsible for the provision of apron management services

Delegations will find attached document C(2020) 3625 final.

Encl.: C(2020) 3625 final



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

of 9.6.2020

amending Regulation (EU) No 139/2014 as regards the conditions and procedures for the declaration by organisations responsible for the provision of apron management services

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The requirements for apron management service providers should be aligned with those applicable to aerodrome operators and in particular with the requirements for safety management, operational procedures and personnel. Therefore, the purpose of this Act is to amend Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes, to include the declaration, oversight and operations requirements for organisations responsible for the provision of apron management services. The proposed changes are expected to provide safe and harmonised rules with additional benefits in terms of free movement of services and persons in the EU at minimised implementation costs.

The powers and responsibilities of the national aviation authorities of the Member States as defined in Regulation (EU) No 139/2014 should also extend to the submission and registration of declarations and the oversight of apron management service providers.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

EASA produced its final Opinion No 2/2014 on 24 September 2014, which followed its Notice of Proposed Amendment for a new regulation amending Regulation (EU) No 139/2014. In accordance with Article 128(4) of Regulation (EU) 2018/1139, before adopting a delegated act, the Commission consulted experts designated by each Member State in accordance with principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. The draft of the delegated act was presented at the meeting held on 19 February 2020 of the Commission experts group, which includes representatives from the Member States. Extensive explanations as to how comments received from the Member States were taken into account was provided during that meeting.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The Commission is empowered to adopt delegated acts, in accordance with Article 128, laying down detailed rules with regard to the necessary features and functionalities related to aerodromes operators and aerodromes operations.

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

of 9.6.2020

amending Regulation (EU) No 139/2014 as regards the conditions and procedures for the declaration by organisations responsible for the provision of apron management services

(Text with EEA relevance)

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 3922/91¹, and in particular Article 39(1) thereof,

Whereas:

- (1) Commission Regulation (EU) No 139/2014² lays down requirements and administrative procedures related to aerodromes and to the provision of apron management service ('AMS'). However, that Regulation contains a limited number of provisions addressing the safe provision of that service. A dedicated set of additional requirements, as a subpart of aerodrome operations, should therefore be provided.
- (2) Annex II (Part-ADR.AR) of Regulation 139/2014 is laying down requirements for management and oversight of organisations by competent authorities. This Annex should be amended to give to the competent authority of the Member State where the AMS is provided, the powers to receive and register the declarations of capability submitted by organisations responsible for the providing of apron management services.
- (3) In order to ensure a high level of safety at an aerodrome, the requirements for organisations responsible for the provision of AMS should be aligned with those applicable to aerodrome operators and in particular with the requirements for safety management, operational procedures and personnel.
- (4) Requirements for the management of safety-related interfaces between the aerodrome operator, the organisations responsible for the provision of AMS and the air traffic service provider with regard to operations on the apron should also be provided for.
- (5) In order to contribute to the safety of operations on an apron, specific operational procedures applicable to the aerodrome operator should be provided for. The

¹ OJ L 212, 22.8.2018, p. 1.

² 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).

aerodrome operator should be allowed to allocate responsibilities to other organisations.

- (6) The European Union Aviation Safety Agency has prepared draft rules and submitted them with Opinion No 2/2014³ in accordance with points (b) and (c) of Article 75(2) and with Article 76(1) of Regulation (EU) 2018/1139.

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) Article 1 is amended as follows:

- (a) in paragraph 1, point (h) is replaced by the following:

‘(h) conditions and procedures for the declaration by and for the oversight of organisations responsible for the provision of apron management services referred to in Article 37(2) of Regulation (EU) 2018/1139 of the European Parliament and of the Council* as set out in Annexes II and III.’;

* 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 (OJ L 212, 22.8.2018, p.1).’;

- (b) paragraph 3 is replaced by the following:

‘3. Aerodrome operators and organisations responsible for providing apron management service shall comply with the requirements laid down in Annexes III and IV.’;

- (c) paragraph 4 is deleted;

- (2) Article 3 is amended as follows:

- (a) the title is replaced by the following:

‘Oversight’;

- (b) paragraph 1 is replaced by the following:

‘1. Member States shall designate one or more entities as the Competent Authority(ies) within that Member State with the necessary powers and responsibilities for the certification and oversight of aerodromes and aerodrome operators, receiving declarations and oversight of providers of apron management service, as well as personnel involved therein.’;

- (3) in Article 11, paragraph 5 is deleted;

- (4) Annex II is amended in accordance with Annex I to this Regulation;

³ <https://www.easa.europa.eu/document-library/opinions>

- (5) Annex III is amended in accordance with Annex II to this Regulation;
- (6) Annex IV is amended in accordance with Annex III to this Regulation.

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 [OP: please insert a date 18 months after the date of entry into force of this Regulation].

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

Done at Brussels, 9.6.2020

For the Commission
The President
Ursula VON DER LEYEN