EASA **Comment Response Tool**

Title	(B.I) Authority, Organisation and Operations Requirements for Aerodromes - Draft Cover Regulation + Implementing Rules
NPA Number	NPA 2011-20 (B.I)

UK CAA (UK CAA, European.Affairs@caa.co.uk) has placed **25** reactions on this NPA:

NPA Pag (s)	Reaction to	Reaction	Attachments
0	(general reactions)	**Page No:** 5 **Paragraph No:** Article 1 – Subject matter and scope, Paragraph 2 **Comment:** The inclusion of this text in this Article and addressed to Competent Authorities is questioned. We would expect to see a transitional provision of this nature in Article 12 Entry into Force, addressed to Member States. **Justification:** Practice in other Cover Regulations has been to include transitional provisions in the Entry into Force Article; also the Cover Regulation is in general addressed to Member States. **Proposed Text:** Add to Article 12 the following text "By way of derogation from paragraph 1, Member States may decide that their competent authorities need not apply with all the provisions of Annex I until [*date 48 months from coming into force date*]"	
0	(general reactions)	**Page No:** 6 **Paragraph No:** Article 2 - Definitions **Comment:** Several of the definitions in Article 2 differ from those included in the draft SERA Regulation: · Area control service · Flight information Service · Taxiway We accept that in most cases the intent is the same but the wording differs. **Justification:** Harmonisation and consistency.	
0	(general reactions)	**Page No:** 6 **Paragraph No:** Article 2 - Definitions – Terms	

		of the Certificate **Comment:** The definitions for the terms of the certificate include specifics, yet these are included only as Acceptable Means of Compliance (AMC). Therefore, the definition should be made more flexible. **Justification:** Competent Authorities are not required to adopt all of them and so may decide not to. **Proposed Text:** 'Terms of the certificate' means the information and conditions required to be included on the aerodrome certificate, as determined by the Competent Authority.	
0	(general reactions)	**Page No:** 6 **Paragraph No:** Article 2 - Definitions – Terms of the Certificate **Comment:** The UK questions some of the draft terms for the certificate: · **Conditions to Operate** - Any aerodrome within scope will be IFR (and, whilst it's not directly specified, all are likely to have night operations as they have commercial services). · **Types of Approaches** - The type of approach is dependent on the operator – the aerodrome provides the infrastructure (visual/non-visual aids provided, not the approach that might result from them); the infrastructure is described in the aerodrome manual and AIP where required. · **Aerodrome Operating Minima** – operating minima is aircraft not aerodrome specific; as an example, an aerodrome with a runway without centreline line lights has a limit on take-off RVR of 400m (Annex 14: 5.3.12.3). However, airlines may be approved by their regulator to take off in RVR below that, subject to having additional training and procedures, so it is not possible to accurately define the minima. · **Scope of aircraft operations with higher aerodrome reference code letter** - This could be seen to contradict the aerodrome reference code, which should be the limit for certification. As is correctly captured in ADR.OPS.090, there are rules to enable use by larger aircraft but these should not relate to the certificate. · Looking towards standardisation, we don't see the need for a catch-all clause that could lead to different approaches among the	

		member states. It is suggested that EASA delete these terms of the certificate. **Justification:** Those listed may not be achievable; there is potential to create uncertainty and Competent Authorities are not required to adopt all of them and so may decide not to.	
0	(general reactions)	**Page No:** 13 **Paragraph No:** Article 3 – Oversight capabilities, Paragraph (6)(f) **Comment:** We understand that the administrative arrangements for the purposes of enforcement measures differ across the Competent Authorities of the Member States. Specifically, personnel authorised by the Competent Authority to carry out certification and oversight tasks are not necessarily the same personnel authorised to undertake enforcement measures. Recent Cover Regulations, for example on OPS-CAT and OPS-NCC/NCO, have addressed this matter and we suggest that the previously agreed text should be replicated here. **Justification:** Consistency. **Proposed Text:** "take **or initiate** enforcement actions as appropriate"	
0	(general reactions)	**Page No:** 13 **Paragraph No:** Article 3 – Oversight capabilities, Paragraph 8 **Comment:** Text is not clear as to who is responsible for coordinating with whom. **Justification:** Clarity of regulation. **Proposed Text:** "A Member State shall ensure that the Competent Authority of any aerodrome located near its national border coordinates its oversight activities with the Competent Authority / Authorities in the relevant neighbouring Member State(s) in order to ensure…..."	
0	(general reactions)	**Page No:** 13 **Paragraph No:** Article 4 – Information to the Agency	

		Comment: Text is not clear as to what data are required on passengers and cargo movements. **Justification:** Clarity of regulation. **Proposed Text:** "Within three months…..as well as the number of passengers and cargo movements, **over the 12 months prior to the coming into force date of this Regulation,** of the aerodromes …."	
0	(general reactions)	**Page No:** 22 **Paragraph No:** ADR.AR.B.020 (c) – Record-keeping **Comment:** It is not clear what the "lifespan" of a certificate or declaration means. The length of time for which records require to be kept should be specific – e.g. until a certificate or declaration is revoked, de-registered or surrendered, or to a date at which the information is no longer current. **Justification:** Retaining it could mean that the Competent Authority has to keep all records relating to an aerodrome forever, which would not be reasonable.	
0	(general reactions)	**Page No:** 22 **Paragraph No:** ADR.AR.B.020 (c) – Record-keeping **Comment:** The requirements in ADR.AR.B.020 (c) follow closely the equivalent requirements in IRs already agreed for Aircrew and Operations, namely ARA.GEN.220 (c) and ARO.GEN.220 (c). However, in the aerodrome domain, there is no limit to the length (duration) of the aerodrome certificate. As read, this would appear to require that records are kept forever – e.g. the Competent Authority would have to keep records for certificated aerodromes for hundreds of years. It is suggested that a limit to the length of time that records are retained is provided, say 30 years. **Justification:** The UK CAA considers that consistent provisions should be used in Authority Requirements across all domains, but this is overly burdensome and unnecessary. **Proposed Text:** Add "or for 30 years, whichever is the shorter".	

0	(general reactions)	**Page No:** 24 **Paragraph No:** ADR.AR.C.015 (a) – Initiation of certification process **Comment:** This paragraph is confusing, because it includes the term “notify”, which is included again in AR.C.020. The UK CAA thinks that notification should be when the certification basis (CB) has been agreed. At the point where the certification process is initiated, the Competent Authority is not in a position to know the precise CB. The Competent Authority should not be required to notify the applicant of the established CB – the wording should reflect that the Competent Authority agrees or approves the CB. **Justification:** This is a long, dynamic process, which involves the Competent Authority and aerodrome operator working through the certification specifications to determine and agree those that are applicable. The term “notify” should refer to the final (agreed) CB. **Proposed Text:** Delete the second sentence in ADR.AR.C.015 (a). As an alternative the second sentence in ADR.AR.C.015 (a) could be moved to become ADR.AR.C.015 (c).	
0	(general reactions)	**Page No:** 25 **Paragraph No:** ADR.AR.C.035 (d) and (e) – Issuance of certificate **Comment:** Both these sub-paragraphs refer to “the certificate” in the singular although sub-paragraph (b) provides that there may be two separate certificates. This should be corrected. In addition the second sentence of (e) does not make clear who or what “it” is. **Justification:** Clarity of requirement. **Proposed Text:** In both cases replace “certificate” with “certificate(s)”. In (e) amend second sentence to read “The privileges...shall be specified in the terms of the certificate **obtained by the operator**”	
0	(general reactions)	**Page No:** 27 **Paragraph No:** ADR.AR.C.055 (c) – Findings,	

		observations, corrective actions and enforcement measures **Comment:** The text “with the aerodrome operators or the providers of apron management services procedures and manuals” is unclear because it fails to distinguish between providers of apron management services subject to declarations and those which are not. **Justification** There is no requirement on the provider of apron management services subject to a declaration to have its own manual(s), only that it should provide services in line with the aerodrome manual (see ADR.OR.B.060). There is no clarity about such providers who are not subject to a declaration but it is assumed they will be subject to the aerodrome manual. The aerodrome manual and those referenced therein are the manuals that relate directly to aerodrome operations. Additionally, it is the Aerodrome Manual that is required to be agreed and assessed as part of the certification process, so it is only that manual that should be assessed for findings. **Proposed Text:** “(c) A level 2 finding shall be issued by the Competent Authority when any non-compliance is detected with the certification basis of the aerodrome, the applicable requirements of Regulation (EC) No 216/2008 and its Implementing Rules, with; **(i) the aerodrome operator’s procedures and aerodrome manual,** **(ii) the providers of apron management services procedures and their notified manuals,** **(iii) with the terms of a certificate, or** **(iv) with the content of a declaration which could lower or possibly hazard safety.**”	
0	(general reactions)	**Page No:** 26/27/28 **Paragraph No:** ADR.AR.C.055 – Findings, observations, corrective actions and enforcement measures **Comment:** The only specific provisions we could find related to the Competent Authority being able to suspend, limit or revoke the certificate are directly related to Level 1 findings or assessment of changes. There does not appear to be provision for the Competent	

		Authority to suspend, limit or revoke the certificate for other reasons (e.g. safety). There should be a new clause in ADR.AR.C.055 to cover this. **Justification:** It is important for powers to be provided to enable the certificate to be suspended, limited or revoked. As currently written, the implementing rules link enforcement powers to non-compliance with the requirements under the rule. This does not address the circumstances where adverse trends are identified, or circumstances arise without warning and where action is required, but which do not necessarily result in a non-compliance or finding. Examples of such situations may include: a) An immediate safety hazard outside the scope of an audit; b) Significant incidents, together with a failure to investigate properly and deal with the root causes; c) An increasing number of incidents, indicating an underlying systemic failure; d) Poor management attitude to compliance; e) A management that prefers solutions that simply address the detail of the finding and that is unwilling or unable to put measures in place that address the root cause of non-compliances; f) Unstable/ineffective management. Instability can be caused by changes in structure, personnel, or both; g) Financial weakness resulting in a failure to address safety deficiencies or provide safety improvements. At the very least, this list and supporting text should be included as an Acceptable Means of Compliance. **Proposed Text:** New ADR.AR.C.055 (f) “The Competent Authority may revoke, suspend or vary (as appropriate in the circumstances) any certificate, in whole or in part, if it is satisfied that the aerodrome operator has ceased to operate the aerodrome in accordance with the terms of approval of the certificate.”	
0	(general reactions)	**Page No:** 32 **Paragraph No:** ADR.OR.B.040 (a) - Changes **Comment:** The UK CAA believes that this does not address changes to the aerodrome that lie outside the Certification Basis, but within the aerodrome boundary. As drafted the Article	

		does not appear to include these. Additionally, a reference just to “aerodrome equipment” does not cover the comment that UK CAA made on the NPA, and by itself is misleading and unhelpful. A wider provision is required relating to aerodrome infrastructure. **Justification:** Such changes have the potential to impact on the safe operation of aircraft and so need to be included. As an example, a landside construction that does not impact on the physical aerodrome directly could impact on technical safeguarding. An example from the UK would be the Compass Centre at Heathrow. This building, on the northern side of runway 09L/27R lies landside, and so outside the immediate airfield but within the aerodrome boundary. It complies with the obstacle limitation surface requirements (it’s not an obstacle). However, because of its potential impact on the ILS beam, it has a concave side facing the runway to prevent refraction of the ILS beam on the adjacent runway; this requirement arose because of the UK CAA requirement for technical safeguarding, which would not be required under the text as drafted. **Proposed Text:** (a) “Any change: (1) affecting the terms of the certificate, its certification basis ~~and aerodrome equipment~~; or (2) significantly affecting elements of the aerodrome operator’s management system as required in ADR.OR.D.005(b); or (3) to the aerodrome infrastructure which may impact on the safety or operations of the aerodrome; shall require approval by the Competent Authority. Items in (3) shall be pre-agreed with the Competent Authority.”	
0	(general reactions)	**Page No:** 33 **Paragraph No:** ADR.OR.B.040 (f)(3) - Changes **Comment:** Paragraph (f)(3) requires that the scope of an assessment into a change comprises the whole of the aerodrome system. This implies that an assessment needs to include everything and all organisations on the aerodrome should be included, which would not be the case. **Justification:** It is necessary to clarify that this	

		covers only those areas and organisations affected by the change. For example, a change to taxiway infrastructure or activity need not be coordinated with users limited to apron areas only. **Proposed Text:** Revise (f)(3): "ensure **a comprehensive assessment of the change, including any necessary interactions**".	
0	(general reactions)	**Page No:** 35 **Paragraph No:** ADR.OR.C.005 (a)(4) – Aerodrome operator responsibilities **Comment:** The aerodrome should not be operated in accordance with (4) "any other manual for the aerodrome equipment available at the aerodrome, as applicable". **Justification:** The aerodrome manual details the operating processes and systems at the aerodrome and so it is sufficient for the aerodrome operator to operate the aerodrome in accordance with that manual alone. The aerodrome manual may refer to other manuals if deemed necessary by the Competent Authority. Paragraph (a)(4) relates specifically to equipment, not the operation and maintenance of the aerodrome. It should, therefore, be deleted. **Proposed Text:** Delete ADR.OR.C.005 (a)(4).	
0	(general reactions)	**Page No:** 40/41 **Paragraph No:** ADR.OR.D.017 (a) (2) and (c) (2) and (3) – Training and proficiency check programmes **Comment:** The UK CAA understands that training and proficiency check programmes are intended for staff directly employed by the aerodrome operator. However, as drafted this appears to apply to ALL staff operating on an aerodrome, irrespective of their employer. As such the UK CAA believes it to be excessive and not practicable. The aerodrome operator must train its own staff (and staff provided directly by contractors or other sponsors such as local authority RFFS) and also have rules (often implemented through local bylaws in the UK) to ensure that other organisations train their people, with some oversight by the aerodrome operator to check that organisations have implemented procedures. European and national legislation already exists that require the	

		employer to ensure the safety and competence of its own staff, which would be achieved by training. However, the aerodrome operator should NOT itself have to establish the training programme. EASA should explain how it intends that this would work at an aerodrome like LHR, with 55,000 airside pass holders. Additionally, the AMC appears to confirm the text as drafted. Either the IR or the AMC needs to say that this is applicable to ADR operator's staff. Then the ADR needs to establish procedures that require all organisations at aerodromes to conduct similar training to an agreed standard. The AMC needs to provide clarity in terms of applicability by ADR and other organisations. **Justification:** The requirement is too bureaucratic and the need is not justified by any risk data.	
0	(general reactions)	**Page No:** 41 **Paragraph No:** ADR.OR.D.017 (e) – Training and proficiency check programmes **Comment:** There is no need for the training programme to be approved by the Competent Authority. **Justification:** Training is the responsibility for the organisation itself and there are Europe-wide requirements in place for employers to train their staff. This lies within that and outside the jurisdiction of the Competent Authority. The Competent Authority will audit training as part of its oversight programme. **Proposed Text:** Delete (e).	
0	(general reactions)	**Page No:** 42/43 **Paragraph No:** ADR.OR.D.035 (d)(1) – Record-keeping **Comment:** The requirements in (d)(1), regarding the certification basis and alternative means of compliance, appear excessive. Unlimited duration means forever. Is it EASA's intention that records such as these are kept forever – for example, records relating to Heathrow Airport in 2013 are kept into the 22nd Century?	

		A limit should be placed on the keeping of all records. **Justification:** Unnecessary and overly burdensome. **Proposed Text:** Delete (d) and include it as guidance material.	
0	(general reactions)	**Page No:** 44 **Paragraph No:** ADR.OR.E.005 (g)(3) – Aerodrome Manual **Comment:** The UK CAA is not sure that this is achievable, or that it is the intent of the requirement. **Justification:** Responsibility for ensuring that employees are properly trained and made aware of information relevant to their duties lies with the employer. This paragraph appears to shift this to the aerodrome operator. The aerodrome operator must ensure that organisations are informed of relevant information and changes to that, but the individual organisation/employer is then responsible for onward dissemination as required. **Proposed Text:** Revise (g)(3) to read "make all aerodrome personnel and other relevant organisations ~~personnel~~ aware of the changes that are relevant to their duties".	
0	(general reactions)	**Page No:** 48 **Paragraph No:** ADR.OPS.B.010 (a)(2) – Rescue and fire-fighting services **Comment:** The RFFS response time now includes "immediate". The term immediate is not used in ICAO Annex 14. **Justification:** Proposes a different response requirement from that in Annex 14. **Proposed Text:** Revise (a)(2): "adequate equipment, fire extinguishing agents and sufficient personnel are available";	
0	(general reactions)	**Page No:** 49 **Paragraph No:** ADR.OPS.B.020 (c) – Wildlife strike hazard reduction	

		Comment: The text confuses the need for a wildlife hazard assessment with the identification of and action against sources of hazards in the surroundings of the aerodrome. Hazard assessments are undertaken regularly, as part of the aerodrome safety management system and such an assessment is not the only means to identify sources that could present a hazard. Then, there is no need for the relevant Authority to be informed unless the conditions are such that the hazard cannot be effectively mitigated. Additionally, the text infers that the aerodrome operator need not take action to mitigate the wildlife hazard problem; instead this would be done by the relevant Authority which is not correct. **Justification**: The aerodrome operator should take action and, in many cases, will be able to address the problem. The Competent Authority needs to be involved only where the aerodrome operator is not able to address or adequately mitigate the hazard. **Proposed Text:** Revise (c**):** "**notify the relevant authority if conditions or a source in the surroundings of the aerodrome conducive to a wildlife hazard problem have not been effectively mitigated**".	
0	(general reactions)	**Page No:** 49 **Paragraph No:** ADR-OPS.B.025 - Operation of vehicles **Comment:** This paragraph requires that the aerodrome operator shall establish and implement procedures for the formal training, assessment and authorisation of all drivers operating on the movement area. Is it EASA's intention that this allows for the delegation of training and authorisation to organisations operating at the aerodrome? **Justification:** It would not be practicable for other than the aerodrome operator's own staff. There are 25,000 airside driving permit holders at Heathrow. **Proposed Text:** This needs to allow for delegation of these tasks to organisations at the aerodrome, subject to their being approved by the ADR.	
0	(general reactions)	**Page No:** 50	

		Paragraph No: ADR.OPS.B.070 (b) – Aerodromes works safety **Comment:** The UK CAA believes that this requirement is already addressed by ADR.OR.B.040 and so need not be repeated and seeks clarification on how the two IRs will work together. Additionally, no definition of "major" is given. **Justification:** Clarity and consistency.	
0	(general reactions)	**Page No:** Several **Paragraph No:** Several **Comment:** Several of the draft Implementing Rules (OR) use the term "the aerodrome operator shall establish and implement procedures…" for activities that involve organisations that operate at the aerodrome but which are separate from the aerodrome operator (e.g. airlines, ground handlers, fuel providers). Examples include ADR.OR.C040, ADR.OR.D.017 (a) and ADR.OPS.B.025 It is understood that the intent is that the aerodrome operator is responsible for establishing such procedures across the aerodrome; implementing and adhering to such procedures for its own staff, and for ensuring that such procedures are promulgated across the aerodrome, verifying compliance as applicable, but is NOT directly responsible for their implementation by all the organisations operating at the aerodrome. Implementation of such rules should remain the responsibility of individual employers. Clarification of this intent is requested. **Justification:** Clarity and consistency.	

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