

The logo for ACI Europe is a light blue square. Inside the square, the letters 'ACI' are written in a large, white, serif font. Below 'ACI', the word 'EUROPE' is written in a smaller, white, sans-serif font. A thin, light blue curved line sweeps across the logo from the bottom left towards the top right.

**ACI EUROPE POSITION on
the extension of EASA
competencies to cover
aerodrome regulation**

AIRPORTS COUNCIL
INTERNATIONAL

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Introduction

1. European airports acknowledge the process of extending the powers of EASA to include airport safety. ACI EUROPE and its members are following closely the process that will lead to the extension of powers of EASA to cover aerodrome safety regulation. Our main views, based on the EASA's opinion N°3/2007 and the legislative proposal from the European Commission from June 2008¹ are provided in this position paper.
2. The majority of airports recognise the direct impact that the EASA rulemaking process will have on airport operations and the various economical and financial implications for airports.
3. ACI EUROPE welcomes the fact that EASA has accepted airport operators as active partners in the rulemaking process (i.e. implementing rules and acceptable means of compliance).
4. European airports are willing to support EASA in the entire rulemaking process and are ready to offer access to airport safety and operational experts to participate in the drafting of detailed rules.
5. European airports appreciate the explicit statement of EASA in their Opinion showing a clear commitment to ICAO. The statement that no additional layer of regulation will be imposed is also well received. Benefits can be seen in a single and uniform transposition of ICAO SARPS for all 27+4 (EEA) Member States.
6. European airports also welcome the fact that the competence for aerodrome certification and oversight will remain with the national authorities, mainly for proximity reasons.

Certification Issues

7. Airports currently hold valid national certificates to operate. So far, they cannot yet determine what the outcome of the EASA process will be and whether anything will change as a result of that process. Some airports question whether failure to comply with EASA's future detailed implementation rules will result in the airport nonetheless allowed to continue to operate under its old certificate (until expiry of the certificate) or whether there will be an extension of the current certificate and Civil Aviation Authorities approved derogations. These certificates issued at national level may in some cases allow derogations to the requirements laid down in the ICAO Annex 14, due to the local operating environment.

¹ COM(2008)390 Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND THE COUNCIL amending Regulation (EC) No216/2008 in the field of aerodromes, air traffic management and air navigation services and repealing Council Directive 06/23/EEC



8. ACI EUROPE therefore proposes the incorporation of Article 8a, clause 2, letter b, number (vi) in the amending Regulation 216/2008 of the European Commission, whereby the certificate referred to by Article 8, clause 2 c) should not question already existing aerodrome certificates or even substitute them. It should only be granted in addition to the existing one.
9. Operations according to strict standards are not always possible. Airports ask for more flexibility in this field, since some working procedures have proved to be good and safe over the years. Some airports may have problems in complying due to their physical location and existing infrastructure. They may also face operational restrictions that prevent operators from flying with a full load/or with some aircraft types, or limit the number of operations. These questions encompass not only the issues of transitional arrangements and grandfathering but also a view within the airport community that what has proved acceptable in the past can be permitted to continue.

Scope

10. ACI EUROPE acknowledges that in its original proposal for amending Regulation 216/2008, the European Commission foresees to include all airports open to public use, which can accommodate IFR traffic or aircraft with a MTOW of 2730kg.
11. ACI EUROPE believes that the scope of Article 3a is far too wide and that as such, it would not provide any added value from a safety point of view while incurring significant costs and burdens for smaller airports.
12. The scope should be limited to aerodromes open for public use and which serve commercial traffic **or** operating under instrument flight rules. If the maximum take-off weight is to be considered, great care should be taken to include very light jets.

Single certificate for multiple airports

13. ACI EUROPE believes that in its opinion No3/2007, EASA failed to appropriately differentiate between the operators of multiple airports in a national airport system (e.g. Norway, Sweden, Spain, Portugal) and operators with a heterogeneous portfolio of different airports in different national settings, acquired on a financial investment basis. In the latter case some airports question whether an equivalent level of safety can be achieved with a centralized Safety Management System as opposed to a local Safety Management System tailored to the particular infrastructure, operational and cultural environment of each individual airport.



Impact on small Airports

14. ACI EUROPE fears that the extension of EASA's powers may have a greater impact on small airports given that they are often located in remote regions, where airport operators have specific infrastructural requirements.

Characteristics of such airports are that they have short runways and are served by relatively small aircraft (i.e. up to DHC 8-300 or similar). The number of passengers and aircraft movements is relatively moderate and sometimes extremely low.

15. ACI EUROPE is concerned that some of these airports may never be in a position to achieve full regulatory compliance. The introduction of operating restrictions as a result of non-compliance could have a detrimental impact on communities in remote regions, where air transport is often the only reliable transport mode, providing a vital link to essential services not available locally. For such airports it is necessary that regulations promote flexibility, so that operations could be allowed to continue if the level of safety is both appropriate and "adequate" for the specific airport.
16. It is the opinion of some members that regulatory safeguards must be imposed to ensure that such exemptions are not abused to accommodate low-cost carrier operations at e.g. newly converted military airports as this could result in an unlevel playing field between airports.

Regulatory impact assessment at this stage lacks economic/operational component to airports

17. The problem analysis which forms the basis of the regulatory impact assessment fails in ACI EUROPE's opinion to provide a clear differentiation between airline operator-related and aerodrome related incidents. An accident is the result of the sum of different factors. These factors may have their origin at the airport, but also in the ATM/airline system. The justification for EU intervention is based on data which relates to factors partially outside the aerodrome system. Major safety improvements at aerodromes have been promoted and advocated within the framework of runway safety activities. Thus, the cost impact of aviation accidents and incidents due to aerodrome factors is overrated.
18. Furthermore, it is felt that the regulatory impact assessment conducted by EASA does not address the real issues for airports and the regions they serve. The consequences/financial impact on industry will not be known until the implementing rules are drafted or even implemented. For example, the kind of operating restrictions that could be placed on airports as a result of non-compliance is not entirely clear, since the essential requirements are written at a level that does not allow a proper impact assessment on industry.



19. European airports will need to see a comprehensive regulatory impact assessment of the implementing rules, covering economic, social, environment and safety before their adoption through the comitology procedure.

Consultation Process/transparency

20. ACI EUROPE is committed to take an active role in the future, in supporting EASA during the drafting of the Implementing Rules, Acceptable Means of Compliance, Certification Specifications and the Guidance Material.

Compatibility with ICAO

21. Until changes are made to the relationship between the European Union and the United Nations, Member States are bound by their obligations under ICAO. Therefore ACI EUROPE strongly feels that there is a need to ensure that EASA does not go beyond ICAO requirements or issues detailed rules that are not compliant with ICAO.
22. ACI EUROPE believes that EASA's and ICAO's certification requirements should be compatible and mutually compliant to avoid additional certification requirements. Enacting the possibility of co-operation with ICAO, should avoid a duplication of relevant structures or audits. Certification rules are currently set out by ICAO and national authorities have different means of implementation.

Unclear terminology

23. ACI EUROPE has noted that there was unclear terminology in the EASA Opinion and in the amending Regulation 216/2008 of the European Commission (Terms such as: "level of safety required by European citizens", "complexity of aerodrome operations", "less sensitive services", "fully fledged safety management system", "unacceptable risk"). ACI EUROPE wants to make sure, that this will not be the case in any future drafting procedures, since they may cause ambiguity and misinterpretations. A clear definition of what is included and excluded within the term "aerodrome operations" is also required in order to clearly assign the different responsibilities.

Stakeholder's body

24. In addition to the advisory body foreseen in Article 65 of the proposed amending Regulation 216/2008, ACI EUROPE proposes to establish a stakeholder body (Article 65B NEW) consisting of organizations relevant to aviation safety issues or those parties directly affected by it. Setting-up such a stakeholder body within the Regulation is crucial with regard to the wide ranging scope of the implementing rules. This should ensure that all relevant issues impacting stakeholders are taken into account in order to make the implementing rules applicable.



Staff training, ground operation and safety reporting

25. European airports support the role proposed by EASA regarding the coordination of airside operations. The legal obligation of all stakeholders to properly train their staff is of paramount importance. ACI EUROPE is supportive of the requirement for airports to prove that their personnel is properly trained and competent.
26. Additionally, the obligation to cooperate with the reporting and analysis of safety occurrences cannot be stressed enough. The current initiatives by national regulators only serve to emphasize the separate reporting of individual stakeholders rather than enable common reporting and analysis of occurrence data by the aerodrome stakeholders.
27. ACI EUROPE supports the view that certified aerodromes should be subject to Safety Management Systems (SMS) requirements. EASA shall confine the scope of the management system requirement only to an explicit SMS according to ICAO. It is however necessary to align the requirements and define the responsibilities of all aviation stakeholders' SMS. Failing to do so would result in additional safety hazards.
28. ACI Europe supports EASA's view regarding the need to consider an amendment to the Ground Handling Directive in order to raise the general safety level of ground operations. In some airports' opinion the lack of consistent and harmonized regulation in apron and handling operations has led to a deteriorating safety record.
29. ACI EUROPE would like to emphasize the importance of involving industry experts in the definition and impact assessment of future rules.

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About ACI EUROPE

Airports Council International (ACI) is the only worldwide professional association of airport operators. ACI EUROPE represents some 440 airports in 45 European countries. Member airports handle 90% of commercial air traffic in Europe, welcoming nearly 1.5 billion passengers each year.