

ANNEX II

Part Authority Requirements — Aerodromes (Part-ADR.AR)**SUBPART A — GENERAL REQUIREMENTS (ADR.AR.A)****ADR.AR.A.001 Scope**

This Annex establishes requirements for the Competent Authorities involved in the certification and oversight of aerodromes, aerodrome operators and apron management service providers.

ADR.AR.A.005 Competent Authority

The Competent Authority designated by the Member State in which an aerodrome is located shall be responsible for the:

- (a) certification and oversight of aerodromes and its aerodrome operators;
- (b) oversight of providers of apron management services.

ADR.AR.A.010 Oversight documentation

- (a) The Competent Authority shall provide the relevant legislative acts, standards, rules, technical publications and related documents to its relevant personnel in order to perform their tasks and to discharge their responsibilities.
- (b) The Competent Authority shall make available legislative acts, standards, rules, technical publications and related documents to aerodrome operators and other interested parties to facilitate their compliance with the applicable requirements.

ADR.AR.A.015 Means of compliance

- (a) The Agency shall develop Acceptable Means of Compliance (AMC) that may be used to establish compliance with Regulation (EC) No 216/2008 and its Implementing Rules. When the Acceptable Means of Compliance are complied with, the related requirements of the Implementing Rules are met.
- (b) Alternative means of compliance may be used to establish compliance with the Implementing Rules.
- (c) The Competent Authority shall establish a system to consistently evaluate that the alternative means of compliance used by itself or by aerodrome operators or providers of apron management services under its oversight provide for compliance with Regulation (EC) No 216/2008 and its Implementing Rules.
- (d) The Competent Authority shall evaluate the alternative means of compliance proposed by an aerodrome operator or a provider of apron management services, in accordance with ADR.OR.A.015, by analysing the documentation provided and, if considered necessary, conducting an inspection of the aerodrome operator, the aerodrome or the provider of apron management services.

When the Competent Authority finds that the alternative means of compliance proposed by the aerodrome operator or the provider of apron management services are in accordance with the Implementing Rules, it shall without undue delay:

- (1) notify the applicant that the alternative means of compliance may be implemented and, if applicable, amend the certificate or approval of the applicant accordingly;
- (2) inform the Agency of their content, including copies of the relevant documentation;
- (3) inform other Member States about alternative means of compliance that were accepted; and

- (4) inform the other certified aerodromes located in the Member State of the Competent Authority, as appropriate.
- (e) When the Competent Authority itself uses alternative means of compliance to achieve compliance with Regulation (EC) No 216/2008 and its Implementing Rules, it shall:
 - (1) make them available to aerodrome operators and providers of apron management services under its oversight; and
 - (2) without undue delay notify the Agency.

The Competent Authority shall provide the Agency with a full description of the alternative means of compliance, including any revisions to procedures that may be relevant, as well as an assessment demonstrating that the Implementing Rules are met.

ADR.AR.A.025 Information to the Agency

- (a) The Competent Authority shall without undue delay notify the Agency in case of any significant problems with the implementation of Regulation (EC) No 216/2008 and its Implementing Rules.
- (b) The Competent Authority shall provide the Agency with safety-significant information stemming from the occurrence reports it has received.

ADR.AR.A.030 Immediate reaction to a safety problem

- (a) Without prejudice to Directive 2003/42/EC of the European Parliament and the Council⁽¹⁾, the Competent Authority shall implement a system to appropriately collect, analyse and disseminate safety information.
- (b) The Agency shall implement a system to appropriately analyse any relevant safety information received and without undue delay provide to Member States and the Commission any information, including recommendations or corrective actions to be taken, necessary for them to react in a timely manner to a safety problem involving aerodromes, aerodrome operators and providers of apron management services subject to Regulation (EC) No 216/2008 and its Implementing Rules.
- (c) Upon receiving the information referred to in points (a) and (b), the Competent Authority shall take adequate measures to address the safety problem, including the issuing of safety directives in accordance with ADR.AR.A.040.
- (d) Measures taken in accordance with point (c) shall immediately be notified to the aerodrome operators or providers of apron management services which need to comply with them under Regulation (EC) No 216/2008 and its Implementing Rules. The Competent Authority shall also notify those measures to the Agency and, when combined action is required, the other Member States concerned.

ADR.AR.A.040 Safety directives

- (a) The Competent Authority shall issue a safety directive if it has determined the existence of an unsafe condition requiring immediate action, including the showing of compliance with any amended or additional certification specification established by the Agency, which the Competent Authority finds is necessary.
- (b) A safety directive shall be forwarded to the aerodrome operators or providers of apron management services concerned, as appropriate, and shall contain, as a minimum, the following information:
 - (1) the identification of the unsafe condition;

- (2) the identification of the affected design, equipment, or operation;
 - (3) the actions required and their rationale, including the amended or additional certification specifications that have to be complied with;
 - (4) the time limit for compliance with the required actions; and
 - (5) its date of entry into force.
- (c) The Competent Authority shall forward a copy of the safety directive to the Agency.
 - (d) The Competent Authority shall verify the compliance of aerodrome operators and providers of apron management services with the applicable safety directives.

SUBPART B — MANAGEMENT (ADR.AR.B)

ADR.AR.B.005 Management system

- (a) The Competent Authority shall establish and maintain a management system, including as a minimum:
 - (1) documented policies and procedures to describe its organisation, means and methods to achieve compliance with Regulation (EC) No 216/2008 and its Implementing Rules. The procedures shall be kept up to date and serve as the basic working documents within that Competent Authority for all related tasks;
 - (2) a sufficient number of personnel, including aerodrome inspectors, to perform its tasks and discharge its responsibilities. Such personnel shall be qualified to perform their allocated tasks and have the necessary knowledge, experience, initial, on-the-job and recurrent training to ensure continuing competence. A system shall be in place to plan the availability of personnel, in order to ensure the proper completion of all related tasks;
 - (3) adequate facilities and office accommodation to perform the allocated tasks;
 - (4) a formal process to monitor compliance of the management system with the relevant requirements and adequacy of the procedures, including the establishment of an internal audit process and a safety risk management process.
- (b) The Competent Authority shall, for each field of activity included in the management system, appoint one or more persons with the overall responsibility for the management of the relevant task(s).
- (c) The Competent Authority shall establish procedures for participation in a mutual exchange of all necessary information and assistance of other competent authorities concerned.

ADR.AR.B.010 Allocation of tasks to qualified entities

- (a) Tasks related to the initial certification or continuing oversight of persons or organisations subject to Regulation (EC) No 216/2008 and its Implementing Rules shall be allocated by Member States only to qualified entities. When allocating tasks, the Competent Authority shall ensure that it has:
 - (1) a system in place to initially and continuously assess that the qualified entity complies with Annex V to Regulation (EC) No 216/2008;
this system and the results of the assessments shall be documented;
 - (2) established a documented agreement with the qualified entity, approved by both parties at the appropriate management level, which clearly defines:

- (i) the tasks to be performed;
 - (ii) the declarations, reports and records to be provided;
 - (iii) the technical conditions to be met in performing such tasks;
 - (iv) the related liability coverage; and
 - (v) the protection given to information acquired in carrying out such tasks.
- (b) The Competent Authority shall ensure that the internal audit process and safety risk management process required by ADR.AR.B.005(a)(4) covers all certification or continuing oversight tasks performed on its behalf.

ADR.AR.B.015 Changes to the management system

- (a) The Competent Authority shall have a system in place to identify changes that affect its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EC) No 216/2008 and its Implementing Rules. This system shall enable it to take action, as appropriate, to ensure that the management system remains adequate and effective.
- (b) The Competent Authority shall update its management system to reflect any change to Regulation (EC) No 216/2008 and its Implementing Rules in a timely manner, so as to ensure effective implementation.
- (c) The Competent Authority shall notify the Agency of changes affecting its capability to perform its tasks and discharge its responsibilities as defined in Regulation (EC) No 216/2008 and its Implementing Rules.

ADR.AR.B.020 Record keeping

- (a) The Competent Authority shall establish a system of record keeping providing for adequate storage, accessibility and reliable traceability of:
- (1) the management system's documented policies and procedures;
 - (2) training, qualification and authorisation of its personnel;
 - (3) the allocation of tasks to qualified entities, covering the elements required by ADR.AR.B.010, as well as the details of tasks allocated;
 - (4) certification process and continuing oversight of aerodromes and aerodrome operators;
 - (5) declaration process and continuing oversight of providers of apron management services;
 - (6) the documentation regarding cases of equivalent level of safety and special conditions contained in the certification basis, as well as any Deviation Acceptance and Action Document (DAAD);
 - (7) the evaluation and notification to the Agency of alternative means of compliance proposed by aerodrome operators and providers of apron management services and the assessment of alternative means of compliance used by the Competent Authority itself;
 - (8) findings, corrective actions and date of action closure, and observations;
 - (9) enforcement measures taken;

- (10) safety information and follow-up measures;
- (11) the use of flexibility provisions in accordance with Article 14 of Regulation (EC) No 216/2008.
- (b) The Competent Authority shall maintain a list of all certificates it issued and declarations it received.
- (c) Records related to the certification of an aerodrome and an aerodrome operator, or the declaration of a provider of apron management services shall be kept for the lifespan of the certificate or declaration, as appropriate.
- (d) Records relating to points (a)(1) to (a)(3) and points (a)(7) to (a)(11) shall be kept for a minimum period of five years, subject to applicable data protection law.

SUBPART C — OVERSIGHT, CERTIFICATION AND ENFORCEMENT (ADR.AR.C)**ADR.AR.C.005 Oversight**

- (a) The Competent Authority shall verify:
 - (1) compliance with the certification basis and all requirements applicable to aerodromes and aerodrome operators prior to the issue of an approval or certificate;
 - (2) continued compliance with the certification basis and applicable requirements of aerodromes and aerodrome operators or providers of apron management service subject to declaration obligation; and
 - (3) implementation of appropriate safety measures as defined in ADR.AR.A.030(c) and (d).
- (b) This verification shall:
 - (1) be supported by documentation specifically intended to provide personnel responsible for safety oversight with guidance to perform their functions;
 - (2) provide the aerodrome operators and providers of apron management services concerned with the results of safety oversight activity;
 - (3) be based on audits and inspections, including unannounced inspections, where appropriate; and
 - (4) provide the Competent Authority with the evidence needed in case further action is required, including the measures foreseen by ADR.AR.C.055.
- (c) The scope of oversight shall take into account the results of past oversight activities and the safety priorities identified.
- (d) The Competent Authority shall collect and process any information deemed useful for oversight, including unannounced inspections, as appropriate.
- (e) Within its oversight powers, the Competent Authority may decide to require prior approval for any obstacles, developments and other activities within the areas monitored by the aerodrome operator in accordance with ADR.OPS.B.075, which may endanger safety and adversely affect the operation of an aerodrome.

ADR.AR.C.010 Oversight programme

- (a) The Competent Authority shall for each aerodrome operator and provider of apron management services declaring their activity to the Competent Authority:

- (1) establish and maintain an oversight programme covering the oversight activities required by ADR.AR.C.005;
- (2) apply an appropriate oversight planning cycle, not exceeding 48 months.
- (b) The oversight programme shall include within each oversight planning cycle, audits and inspections, including unannounced inspections, as appropriate.
- (c) The oversight programme and planning cycle shall reflect the safety performance of the aerodrome operator and risk exposure of the aerodrome.
- (d) The oversight programme shall include records of the dates when audits and inspections are due and when audits and inspections have been carried out.

ADR.AR.C.015 Initiation of certification process

- (a) Upon receiving an application for the initial issuance of a certificate, the Competent Authority shall assess the application and shall verify compliance with the applicable requirements.
- (b) In case of an existing aerodrome, the Competent Authority shall prescribe the conditions under which the aerodrome operator shall operate during the certification period, unless the Competent Authority determines that the operation of the aerodrome needs to be suspended. The Competent Authority shall inform the aerodrome operator of the expected schedule for the certification process and conclude the certification within the shortest time period practicable.
- (c) The Competent Authority shall establish and notify the applicant of the certification basis in accordance with ADR.AR.C.020.

ADR.AR.C.020 Certification basis

The certification basis is to be established and notified to an applicant by the Competent Authority and shall consist of:

- (a) the certification specifications issued by the Agency which the Competent Authority finds applicable to the design and the type of operation of the aerodrome and which are effective on the date of application for that certificate, unless:
 - (1) the applicant elects compliance with later effective amendments; or
 - (2) the Competent Authority finds that compliance with such later effective amendments is necessary;
- (b) any provision for which an equivalent level of safety has been accepted by the Competent Authority to be demonstrated by the applicant; and
- (c) any special condition prescribed in accordance with ADR.AR.C.025, that the Competent Authority finds necessary to be included in the certification basis.

ADR.AR.C.025 Special conditions

- (a) The Competent Authority shall prescribe special detailed technical specifications, named special conditions, for an aerodrome, if the related certification specifications issued by the Agency referred to in point ADR.AR.C.020(a) are inadequate or inappropriate, to ensure compliance with the essential requirements of Annex Va to Regulation (EC) No 216/2008, because:
 - (1) the certification specifications cannot be met due to physical, topographical or similar limitations related to the location of the aerodrome;

- (2) the aerodrome has novel or unusual design features; or
- (3) experience from the operation of that aerodrome or other aerodromes having similar design features has shown that safety may be endangered.
- (b) The special conditions shall contain such technical specifications, including limitations or procedures to be complied with, as the Competent Authority finds necessary to ensure compliance with the essential requirements set out in Annex Va to Regulation (EC) No 216/2008.

ADR.AR.C.035 Issuance of certificates

- (a) The Competent Authority may require any inspection, test, safety assessment, or exercise it finds necessary before issuing the certificate.
- (b) The Competent Authority shall issue either:
 - (1) a single aerodrome certificate; or
 - (2) two separate certificates, one for the aerodrome and one for the aerodrome operator.
- (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 ADR.OR.B.025 and ADR.OR.E.005.
- (d) The certificate shall be considered to include the aerodrome's certification basis, the aerodrome manual, and, if relevant, any other operating conditions or limitations prescribed by the Competent Authority and any Deviation Acceptance and Action Documents (DAAD).
- (e) The certificate shall be issued for an unlimited duration. The privileges of the activities that the aerodrome operator is approved to conduct shall be specified in the terms of the certificate attached to it.
- (f) Where responsibilities are attributed to other relevant organisations, they should be clearly identified and listed.
- (g) Findings, other than level 1 and which have not been closed prior to the date of certification, shall be safety assessed and mitigated as necessary and a corrective action plan for the closing of the finding shall be approved by the Competent Authority.
- (h) To enable an aerodrome operator to implement changes without prior approval of the Competent Authority in accordance with ADR.OR.B.040(d), the Competent Authority shall approve a procedure defining the scope of such changes and describing how such changes will be managed and notified.

ADR.AR.C.040 Changes

- (a) Upon receiving an application for a change, in accordance with ADR.OR.B.40, that requires prior approval, the Competent Authority shall assess the application and, if relevant, notify the aerodrome operator of:
 - (1) the applicable certification specifications issued by the Agency, which are applicable to the proposed change and which are effective on the date of the application, unless:
 - (a) the applicant elects compliance with later effective amendments; or
 - (b) the Competent Authority finds that compliance with such later effective amendments is necessary;

- (2) any other certification specification issued by the Agency that the Competent Authority finds is directly related to the proposed change;
- (3) any special condition, and amendment to special conditions, prescribed by the Competent Authority in accordance with point ADR.AR.C.025, the Competent Authority finds is necessary; and
- (4) the amended certification basis, if affected by the proposed change.
- (b) The Competent Authority shall approve the change when the aerodrome operator has demonstrated, to the satisfaction of the Competent Authority, compliance with the requirements in ADR.OR.B.040 and, if applicable, with ADR.OR.E.005.
- (c) If the approved change affects the terms of the certificate, the Competent Authority shall amend them.
- (d) The Competent Authority shall approve any conditions under which the aerodrome operator shall operate during the change.
- (e) Without prejudice to any additional enforcement measures, when the aerodrome operator implements changes requiring prior approval without having received Competent Authority approval as defined in (a), the Competent Authority shall consider the need to suspend, limit or revoke the certificate.
- (f) For changes not requiring prior approval, the Competent Authority shall assess the information provided in the notification sent by the aerodrome operator in accordance with ADR.OR.B.040(d) to verify their appropriate management and verify their compliance with the certification specifications and other appropriate requirements applicable to the change. In case of any non-compliance, the Competent Authority shall:
 - (1) notify the aerodrome operator about the non-compliance and request further changes; and
 - (2) in case of level 1 or level 2 findings, act in accordance with point ADR.AR.C.055.

ADR.AR.C.050 Declarations of providers of apron management services

- (a) Upon receiving a declaration from a provider of apron management services intending to provide such services at an aerodrome, the Competent Authority shall verify that the declaration contains all the information required by Part-ADR.OR and shall acknowledge receipt of the declaration to that organisation.
- (b) If the declaration does not contain the required information, or contains information that indicates non-compliance with applicable requirements, the Competent Authority shall notify the provider of apron management services and the aerodrome operator about the non-compliance and request further information. If necessary, the Competent Authority shall carry out an inspection of the provider of apron management services and the aerodrome operator. If the non-compliance is confirmed, the Competent Authority shall take action as defined in ADR.AR.C.055.
- (c) The Competent Authority shall keep a register of the declarations of providers of apron management services under its oversight.

ADR.AR.C.055 Findings, observations, corrective actions and enforcement measures

- (a) The Competent Authority for oversight in accordance with ADR.AR.C.005(a) shall have a system to analyse findings for their safety significance.

- (b) A level 1 finding shall be issued by the Competent Authority when any significant 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 the aerodrome operator's or the apron management services provider's procedures and manuals, with the terms of the certificate or certificate or with the content of a declaration which lowers safety or seriously endangers safety.

The level 1 finding shall include:

- (1) failure to give the Competent Authority access to the aerodrome and aerodrome operator's or the apron management services provider's facilities as defined in ADR.OR.C.015 during normal operating hours and after two written requests;
 - (2) obtaining or maintaining the validity of a certificate by falsification of submitted documentary evidence;
 - (3) evidence of malpractice or fraudulent use of a certificate; and
 - (4) the lack of an accountable manager.
- (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 the aerodrome operator's or the apron management services provider's procedures and manuals, with the terms of the certificate or the certificate or with the content of a declaration which could lower or possibly hazard safety.
- (d) When a finding is detected, during oversight or by any other means, the Competent Authority shall, without prejudice to any additional action required by Regulation (EC) No 216/2008 and its Implementing Rules, communicate the finding to the aerodrome operator or the provider of apron management services in writing and request corrective action to address the non-compliance(s) identified.
- (1) In the case of level 1 findings, the Competent Authority shall take immediate and appropriate action to prohibit or limit activities, and if appropriate, it shall take action to revoke the certificate or to deregister the declaration, or to limit or suspend the certificate or declaration in whole or in part, depending upon the extent of the finding, until successful corrective action has been taken by the aerodrome operator or by the provider of apron management services.
 - (2) In the case of level 2 findings, the Competent Authority shall:
 - (a) grant the aerodrome operator or the provider of apron management services a corrective action implementation period included in an action plan appropriate to the nature of the finding; and
 - (b) assess the corrective action and implementation plan proposed by the aerodrome operator or the provider of apron management services and, if the assessment concludes that they are sufficient to address the non-compliance(s), accept these.
 - (3) Where the aerodrome operator or the provider of apron management services fails to submit an acceptable corrective action plan, or to perform the corrective action within the time period accepted or extended by the Competent Authority, the finding shall be raised to a level 1 finding, and action taken as laid down in point (d)(1).

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- (4) The Competent Authority shall record all findings it has raised and where applicable, the enforcement measures it has applied, as well as all corrective actions and date of action closure for findings.
- (e) For those cases not requiring level 1 or level 2 findings, the Competent Authority may issue observations.

(1) OJ L 167, 4.7.2003, p. 23.