

**Consultation on the proposed extension of the European Aviation Safety Agency's remit to the safety of aerodromes, air traffic management and air navigation services, amending Regulation EC216/2008**

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## Foreword

1. EASA is the Community Agency responsible for aviation safety, which was set up in 2003. The European Commission published their proposal to extend the remit of the European Aviation Safety Agency (EASA) to cover the safety of aerodromes, air traffic management (ATM) and air navigation services (ANS) on 25 June 2008. This regulatory proposal will amend the existing EASA Regulation (EC 216/2008), under which EASA currently has responsibility for the airworthiness of aircraft; rulemaking and standardisation for air operations, flight crew licensing, and the oversight of third-country aircraft.
2. The full text of the proposal, together with the existing EASA framework Regulation EC 216/2008, which it amends, can be viewed on the DfT website, along with the Commission's Impact Assessment. This can be found at:  
<http://www.dft.gov.uk/consultations/open/easaremit/>.
3. This Regulation is one of the four pillars of the Single European Sky II Package. DfT is conducting a separate public consultation on the other regulatory proposal within the package on the amendment of the Single European Sky Regulations, which can be found at  
<http://www.dft.gov.uk/consultations/open/thirdses/>.
4. The proposed amendment to Regulation 216/2008 suggests a basic framework for EASA's responsibilities for aerodrome and ATM / ANS safety, which principally involve the setting of safety requirements and standardisation activities. The draft implementing rules, which will detail the actual regulatory requirements, will be published for consultation following the adoption of this amended Regulation. The rules will be implemented in the main by national aviation authorities - the Civil Aviation Authority (CAA) in the UK.
5. This consultation document seeks your views on the proposed changes to EASA's remit and the current safety regulatory system. The responses to the consultation will be taken into account in formulating the UK's negotiating position during the legislative process in the Council and the European Parliament. Substantive consideration of this dossier is expected to begin in Autumn 2008.

## Executive Summary

6. The draft Regulation proposes to extend EASA's responsibilities to the safety of aerodromes, air traffic management and air navigation services. It is proposed that EASA assume responsibility for rulemaking, standardisation inspections and some certification functions in these areas. This will provide a framework of uniform safety rules for aerodrome and air traffic management across the European Community, as part of the Commission's Single European Sky initiative.
7. Under the proposed changes, Member States would largely remain responsible for overseeing compliance with the new requirements. The aerodrome provisions in the Regulation are largely consistent with existing International Civil Aviation Organisation (ICAO) standards. Those for ATM and ANS are based on the safety requirements within the Single European Sky (SES) regulations. These include those transposed from Eurocontrol Safety Regulatory Requirements (ESARRs) and the European requirements on the licensing of Air Traffic Controllers. More information on the detailed proposals is set out below.
8. The proposal will amend Regulation 216/2008. Adding aerodrome and ANS / ATM safety to EASA's remit will complete the EU's 'total system approach' to safety. This transfer of responsibilities for ATM safety to EASA is also in line with the recommendations of the High Level Group on the future of the European aviation regulatory framework which reported to the European Commission in 2007.

## How to respond

9. This consultation begins on 28<sup>th</sup> July and closes on 20<sup>th</sup> October 2008. However, it would be helpful if you could let us have your responses as soon as possible, as it is not yet clear what the timetable for consideration of this dossier in the Aviation Working Group and the European Parliament will be. In any case, please ensure that your response reaches us by the closing date.

10. The Department is also planning to hold a stakeholder symposium on the proposals. Invitations for this event will be issued in due course. If you have any queries about this event, or the timing of the negotiations, please contact us.

11. If you would like further copies of this consultation document, it can be found on our website at: <http://www.dft.gov.uk/consultations/open/>. Alternatively, you can request paper copies of this document. Please send any requests as well as your consultation response to:

Ray Pusey, IASD4  
Department for Transport  
Zone 1/27, Great Minster House  
76 Marsham Street  
London SW1P 4DR

Email: [easa.consultation@dft.gsi.gov.uk](mailto:easa.consultation@dft.gsi.gov.uk)

12. When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation please make it clear who the organisation represents, and where applicable, how the views of members were assembled.

13. A list of consultees is attached at Annex A. If you have any suggestions of others who may wish to be consulted, please make them aware of this document or let us know.

14. The information you send us may need to be passed to colleagues within this Department and the CAA. After the consultation has closed, we will publish a summary of responses, along with the Government position on the issues raised. **We will assume that you are content for us to do this, and that if you are replying by e-mail, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission to us.**

15. **Please ensure that if you want your name or response to be kept confidential, you state this clearly in your response.** Confidential responses will be included in any

statistical summary of numbers of comments received and views expressed.

16. Please note that the Freedom of Information Act 2000 requires public authorities to disclose information they hold if it is requested. This includes information contained in responses to consultations. The Department will generally publish subsequently the information it discloses under FOI on its web site. If you ask for your response to be kept confidential this will only be possible if it is consistent with the Departments' obligations under the Freedom of Information Act.

### **The proposals and consultation questions**

17. The draft Regulation proposes that EASA should assume responsibility for rulemaking, standardisation inspections and some certification functions for the safety of aerodromes, air traffic management (ATM) and air navigation services (ANS).

*Q1. Do you agree in principle with the proposed extension to the scope of the EASA Regulation to include the safety of aerodromes, air traffic management and air navigation services?*

18. The proposal would amend Article 3 of the existing EASA Regulation which defines the key terms used, such as 'operator', 'aerodrome', and 'Flight Information Service'.

*Q2. Do you agree with the definitions set out in the amended Article 3? If not, please suggest how these definitions could be improved.*

19. The draft Regulation sets out the basic principles for these areas of safety oversight. The related essential requirements are set out in Annex V of the proposals. EASA will have responsibility for drafting implementing rules and certification specifications, which then need to be adopted by the Commission, assisted by a regulatory committee made up of representatives from the Member States. It will be the responsibility of Member States' national aviation authorities to ensure compliance with the regulations by, for example, aerodrome operators or providers of air navigation services.

*Q3. Have you got any comments on the essential requirements for aerodromes and air traffic management and air navigation services, as set out in Annex V?*

20. The amendments to Articles 3 and 4 define the applicability of the Regulation in relation to aerodromes. The proposal refers to 'aerodromes open to public use', which is defined in amended Article 3.

*Q4. Do you agree with the proposed definition that 'aerodromes open to public use' should mean aerodromes that are included in the official Aeronautical Information Service publication and offer services to any user without discrimination? If not, please suggest an alternative definition, e.g. 'open to commercial air transport', or 'commercial operations'.*

21. The amendments to Articles 1 and 4 set out the scope of the Regulation's requirements in relation to aerodromes. The requirements would apply to aerodromes 'open to public use', which can serve traffic conducted in accordance with instrument flight rules or aircraft with a maximum take-off mass of 2730 kg or more. Aerodromes, when used exclusively by aircraft conducting military, customs, police, search and rescue, fire fighting, coastguard or similar activities, are not covered by the provisions.

*Q5. Do you agree that all 'aerodromes open to public use', which can serve traffic conducted in accordance with instrument flight rules or aircraft with a maximum take-off mass of 2730 kg or more should be subject to Community requirements? If not, please suggest an alternative licensing/certification threshold.*

22. The draft Article 8a sets out requirements for aerodromes to which the Regulation applies. It is proposed that the design of an aerodrome, including its infrastructure, should be certified separately from the aerodrome's operations. In cases where a single organisation owns and operates the aerodrome, a single certificate may be issued.

*Q6. Do you agree that an aerodrome's design, including its infrastructure, should be certificated separately from its operations, or do you consider that a single certificate covering both the aerodrome's design and operations would be more appropriate?*

23. The proposed Article 8a also stipulates that aerodrome equipment may require dedicated certification schemes. This would involve granting approvals to the organisations involved in designing or manufacturing the equipment.

*Q7. Do you agree that 'aerodrome equipment' should be subject to dedicated certification schemes? If so, what types of aerodrome equipment do you think should be included in such schemes, e.g. visual docking guidance systems or runway friction measuring equipment?*

24. The proposed Article 8a also requires measures to be put in place, through the Regulation's implementing rules, for competent authorities to take steps to protect aerodromes against activities and developments which may cause unacceptable risks to aviation in their surroundings.

*Q8. Do you agree that the implementing rules should put obligations on bodies such as planning authorities to protect aerodromes against activities and developments, which may cause unacceptable risks to aviation in their surroundings?*

25. The provisions on ATM and ANS are to apply to all airspace in the territory to which the Treaty applies, with exemptions for services provided exclusively to military, customs, police, search and rescue, fire fighting, coastguard or similar activities. The requirements are based on those within the existing Single European Sky Regulations. However, the definitions in the EASA proposal are not entirely consistent with those in Regulation EC 549/2004.

*Q9. Do you agree with the new definition of ATM / ANS as proposed in the amendments to Article 3? If not, please suggest an alternative definition.*

26. The proposed Article 8b states that air traffic management and air navigation service providers must be required to

demonstrate their capabilities and be certificated. However, organisations that only provide flight information services or apron management services would simply be required to declare their capability to the national aviation authority and would not require a certificate.

*Q10. ATM / ANS providers will be required to hold a certificate. Do you consider that a) providers of flight information services and b) apron management services should also be required to demonstrate their capabilities, or is self-certification sufficient?*

27. Under the proposed Article 8b, organisations engaged in designing, manufacturing and maintaining ATM / ANS systems, parts and appliances may need to be granted an approval and overseen by the national aviation authorities.

*Q11. Paragraph 4 of Article 8b proposes that organisations engaged in the design, manufacture and maintenance of ATM / ANS systems, parts and appliances should be certificated. Do you agree that these organisations should be approved by the competent authority?*

28. The proposed Article 8b also allows for the possibility that ATM / ANS systems, parts and appliances should be certificated. The certificate for those systems would be issued when the applicant has demonstrated that the system complies with detailed certification specifications.

*Q12. Do you agree that ATM / ANS systems, parts and appliances should be subject to dedicated certification schemes? If so, which systems, parts and appliances do you think should be included in such schemes?*

29. The proposed Article 8d requires bodies assessing the conformity of ATM / ANS systems, parts or appliances with the applicable requirements and in issuing related certificates to hold an accreditation certificate issued by EASA and to comply with the essential requirements in Annex V.

*Q13. Do you agree with the concept of accredited bodies, as set out in Article 8d, for the certification of ATM / ANS systems, parts and appliances?*



30. Paragraph 8 of the proposed Article 8b suggests that the use of any specified volume of airspace is to be governed by a concept of operations, designed to mitigate the risk of collisions between aircraft in that airspace or with the ground. This concept should take into account a number of factors including the complexity of the airspace and the expected traffic characteristics.

*Q14. Do you anticipate any difficulties in complying with the principles set out in paragraph 8 of Article 8b regarding airspace management? Do you consider the proposed role for the Agency in sub-paragraph (e) to be appropriate?*

31. The proposed Article 8c requires air traffic controllers and those organisations involved in their training to be certified. The proposal does not suggest that other ATM / ANS personnel, e.g. engineers, should be licensed.

*Q15. Do you agree that the only ATM / ANS personnel that should be licensed are air traffic controllers, trainers and examiners?*

32. The proposed Article 22b gives EASA a role in overseeing providers of air navigation services located in third countries, or who provide ATM / ANS services in more than three Member States.

*Q16. Do you agree that the Agency should have a role in certifying organisations providing ATM / ANS services in more than three Member States? If not, do you envisage an alternative role for the Agency in certifying pan-European systems such as SESAR?*

33. The Department will be drawing up an Impact Assessment on the proposal in due course. We would welcome any information you can provide on the potential impact of this Regulation on your organisation. For example, the costs and benefits of new licensing requirements on aerodromes and their operators, and the potential costs arising from the approval of organisations involved in designing, manufacturing and maintaining aerodrome and ATM / ANS equipment. You may also wish to refer to the Commission's Impact Assessment.

*Q17. In addition, this consultation provides an opportunity for you to suggest further amendments to Regulation 216/2008, not restricted to the areas covered in the proposal. Do you have any other comments? Please also comment on the potential costs and benefits of the proposal, as well as any possible unintended consequences.*

## **What will happen next?**

A summary of responses and a statement of the Government's position on each of the issues raised will be published in the Autumn and will be available on the DfT website. Paper copies will be available on request.

## **The Consultation Criteria**

The consultation is being conducted in line with the Code of Practice on Consultation, the criteria for which are listed below.

A full version of the code of practice is available on the Better Regulation Executive web-site at:  
<http://bre.berr.gov.uk/regulation/documents/consultation/pdf/code.pdf>

If you consider that this consultation does not comply with the criteria or have comments about the **consultation process** please contact:

Lec Napal  
Department for Transport  
Zone 1/33, Great Minster House  
76 Marsham Sreet  
London SW1P 4DR

Email: [consultation@dft.gsi.gov.uk](mailto:consultation@dft.gsi.gov.uk)

## **The Six Consultation Criteria**

### **Consultation criteria**

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.

2. Be clear about what your proposals are, who may be affected, what questions are being asked and the time-scale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out an Impact Assessment if appropriate.

## **ANNEX A: List of those consulted**

Aberdeen Airport  
Aerospace & Defence Industry Association  
Air Accident Investigation Branch  
Air Display Association Europe  
Air Safety Group  
Air Safety Support International  
Air Traffic Control Training  
Air Transport Users Council  
Aircraft Owners & Pilots Association  
Airport Coordination Ltd  
Airport Operators Association  
Airways Aero Associations  
Albemarle Shoreham Airport  
Argyll and Bute Council  
Aviation Environment Federation  
BAE Systems  
Beccles Airfield  
Belfast City Airport  
Belfast International Airport  
Bembridge Airport  
Beverley Airfield  
Biggin Hill Airport  
Birmingham International Airport  
Blackbushe Airport  
Blackpool International Airport  
bmi  
Board of Airline Representatives in the UK  
Bodmin Aerodrome  
Bourn Airfield  
Bournemouth International Airport  
Bristol Filton Airport  
Bristol International Airport  
British Air Transport Association  
British Airline Pilots Association  
British Airports Authority  
British Airways  
British Association of Aviation Consultants  
British Association of Balloon Operators  
British Balloon and Airship Club  
British Business and General Aviation Association  
British Gliding Association

British Hang Gliding and Paragliding Association  
British Helicopter Advisory Board  
British Microlight Aircraft Association  
British Model Flying Association  
British Parachute Association  
Caernarfon Airworld  
Cambridge City Airport  
Cardiff International Airport  
Carlisle Airport  
Chalgrove Aerodrome  
Charter Airline Group of the UK  
City Hopper Airports Group  
City of Derry Airport  
Civil Aviation Authority  
Clacton-on-Sea Aerodrome  
Clark Ricketts (Solicitors)  
Compton Abbas Airfield  
Confederation of British Industry  
Coventry Airport  
Cranfield University  
Culter Helipad  
Cumbernauld Airport  
Damyns Hall Aerodrome  
Dart Group PLC  
Denham Aerodrome  
Department for Business, Enterprise and Regulatory Reform  
Department of Communities and Local Government  
Department for Regional Development, Northern Ireland  
Derby Airfield  
Doncaster Sheffield Airport  
Dundee City Council  
Dunkeswell Aerodrome  
Durham Tees Valley Airport  
Duxford Aerodrome  
Eaglescott Airfield  
Earls Colne Airfield  
East Midlands International Airport  
Eastern Airways  
Easyjet  
Edinburgh Airport  
Eglinton (City of Derry) Aerodrome  
Elmsett Airfield  
Elstree Aerodrome

Enniskillen Airport  
EU Representation to the UK  
European UAV Systems Centre/UAVS  
Exeter International Airport  
Fairoaks Aerodrome  
Farnborough Airport  
Federation of Tour Operators  
Fenland Airfield  
Flight Safety International  
FlyBe  
Foreign and Commonwealth Office  
Full Sutton Airfield  
General Aviation Awareness Council  
General Aviation Safety Council  
Glasgow City Heliport  
Glasgow International Airport  
Glasgow Prestwick Airport  
Gloucestershire Aerodrome  
Goodwood Aerodrome  
Government of Gibraltar  
Guild of Air Pilots and Air Navigators  
Guild of Air Traffic Control Officers  
Haverfordwest Airfield  
Hawarden Aerodrome  
Heavy Airlines  
Helicopter Club of Great Britain  
Helios  
Highland Airways  
Highlands and Islands Airports Ltd  
Home Office  
Hucknall Airfield  
Humberside International Airfield  
Independent Pilots Association/Independent Pilots Federation  
Infratil Airports Europe Ltd  
Isle of Anglesey County Council  
Isles of Scilly Steamship Group  
Jersey States Airport  
Kemble Aerodrome  
Kent International Airport (Manston)  
Lands End (St Just) Aerodrome  
Lasham Airfield  
Lashenden Headcorn Aerodrome  
Leeds Bradford International Airport

Leeds Heliport  
Leicester Aerodrome  
Liaison Group of UK Airport Consultative Committees  
Light Aircraft Association  
Light Airlines  
Little Gransden Airfield  
Liverpool John Lennon Airport  
Llanbedr Airfield  
Loganair  
London Ashford Airport  
London City Airport  
London Gatwick Airport  
London Heathrow Airport  
London Heliport  
London Luton Airport  
London Metropolitan University, Department of Civil Aviation  
Studies  
London Southend Airport  
London Stansted Airport  
Lydd Aerodrome  
Manchester Airports Group  
Manchester City Airport (Barton)  
Marshall Aerospace  
Met Office  
Middle Wallop Airfield  
Ministry of Defence  
NATS  
Net Jets  
Netherthorpe Aerodrome  
Newcastle International Airport  
Newquay Cornwall Airport  
North Denes Airfield  
Norwich Airport  
Nottingham City Airport  
Nottingham East Midlands Airport  
Old Buckenham Airfield  
Old Sarum Aerodrome  
Old Warden Aerodrome  
Orkney Islands Council  
Oxford Airport  
Panshanger Airport  
Parliamentary Advisory Council for Transport Safety  
Peel Airports

Pembrey Airport  
Penzance Heliport  
Perranporth Aerodrome  
Perth Aerodrome  
Peterborough (Conington) Airfield  
Plymouth City Airport  
PPL/IR Europe  
Prospect  
Qinetiq  
RAF Barkston Heath  
RDG Solutions  
Redhill Aerodrome  
Retford (Gamston) Airport  
Rochester Airport  
Royal Aero Club  
Royal Aeronautical Society  
Saling Airfield (Andrewsfield)  
Sandown Airport  
Sandtoft Aerodrome  
Seething Aerodrome  
Serco Defence & Aerospace  
SESAR airports consortium  
Sherbern Aerodrome  
Shetland Islands Council  
Shobdon Aerodrome  
Sibson Aerodrome  
Silverston Northern Heliport  
Sleap Aerodrome  
Society of British Aerospace Companies  
Southampton International Airport  
St Mary's Airport  
Stapleford Aerodrome  
Strategic Aviation Special Interest Group  
Sutton Harbour Holdings  
Swansea Airport  
Sywell Aerodrome  
TAG Farnborough Airport Ltd  
Tatenhill Airfield  
Thales  
The Ards Airport  
The Scottish Government  
Thrupton Aerodrome  
Tresco Heliport



Truro Aerodrome  
Turweston Aerodrome  
UK Airprox Board  
UK Flight Safety Committee  
Unite  
Virgin Atlantic Airways  
Walney Aerodrome  
Warton Aerodrome  
Wellesbourne Mountford Aerodrome  
Welsh Assembly Government  
Welshpool Airport  
West Midlands International Airport Ltd  
West Wales (Aberporth) Airport  
West Wales Airport (Aberporth Range)  
Western Isles Council  
Westland Helicopters  
White Waltham Airfield  
Wickenby Airfield  
Wolverhampton Halfpenny Green Airport  
Woodford Aerodrome  
Wycombe Air Park  
Yeovil Aerodrome