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COMMISSION IMPLEMENTING REGULATION (EU) 2024/894

of 13 March 2024

amending Regulation (EU) No 139/2014 as regards occurrence reporting

(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 3922/91 ([1]), and in particular Article 72(5) and Article 62(15), point (c), thereof,

Whereas:

(1) Commission Regulation (EU) No 139/2014 ([2]) lays down requirements and administrative procedures related to aerodromes, addressing among others the role of national competent authorities as regards oversight and certification of aerodromes, aerodrome operators and providers of apron management services.

(2) Regulation (EU) No 376/2014 of the European Parliament and of the Council ([3]) lays down specific obligations for the Member States' competent authorities to establish systems for the reporting, analysis and follow-up of occurrences in civil aviation as part of their management system. Those obligations exist in parallel with the reporting requirements established under Regulation (EU) No 139/2014. To ensure their compliance and uniform implementation, the occurrence-reporting systems of the national competent authorities established under Regulation (EU) No 139/2014 should be aligned with the principles of Regulation (EU) No 376/2014 on the reporting, analysis and follow-up of occurrences in civil aviation.

(3) The measures provided for in this Regulation are based on Opinion No 04/2023 ([4]) of the Agency in accordance with Article 75(2), point (b) and (c), and Article 76(1) of Regulation (EU) 2018/1139.

(4) Regulation (EU) No 139/2014 should therefore be amended accordingly.

(5) To ensure a smooth implementation of the measures introduced by this Regulation while keeping a high and uniform level of civil aviation safety in the Union, the industry and the competent authorities of the Member States should be provided with sufficient time to adapt to the measures introduced by this Regulation, and therefore it should apply 12 months after its entry into force.

(6) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 127 of Regulation (EU) 2018/1139,

([1]) OJ L 212, 22.8.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1139/oj.

([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, ELI: http://data.europa.eu/eli/reg/2014/139/oj).

([3]) Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18.', ELI: http://data.europa.eu/eli/reg/2014/376/oj).

([4]) https://www.easa.europa.eu/en/document-library/opinions/opinion-no-042023.

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) Articles 4 and 5 are deleted.

(2) Annex II is amended in accordance with the Annex 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 20 March 2025.

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

Done at Brussels, 13 March 2024.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Annex II to Regulation (EU) No 139/2014 (Part-ADR.AR) is amended as follows:

(1) in point ADR.AR.A.025, points (a) and (b) are replaced by the following:

'(a) Where the Competent Authority has become aware of any significant problems with the implementation of Regulation (EU) 2018/1139 of the European Parliament and of the Council ([1]) and its delegated and implementing acts, it shall notify the Agency without undue delay, and in any case within 30 days from the time it has become aware of those significant problems.

(b) Without prejudice to Regulation (EU) No 376/2014 of the European Parliament and of the Council ([2]) and the delegated and implementing acts adopted on the basis thereof, the Competent Authority shall provide the Agency with safety-significant information stemming from occurrence reports stored in the national database pursuant to Article 6(6) of Regulation (EU) No 376/2014 as soon as possible.

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([1]) 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).

([2]) Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (OJ L 122, 24.4.2014, p. 18)';

(2) in point ADR.AR.A.030, points (a), (b) and (c) are replaced by the following:

'(a) Without prejudice to Regulation (EU) No 376/2014 and its delegated and implementing acts, 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 safety-relevant information received and without undue delay provide the relevant authority of the Member States and the Commission with 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 organisations responsible for the provision of AMS, subject to Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

(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 point ADR.AR.A.040.';

(3) point ADR.AR.B.005 is amended as follows:

(a) point (a)(1) is replaced by the following:

'(1) documented policies and procedures to describe its organisation, means and methods to achieve compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof. The procedures shall be kept up to date and serve as the basic working documents within that Competent Authority for all related tasks;';

(b) point (c) is replaced by the following:

'(c) The Competent Authority shall establish procedures for the participation in a mutual exchange of all necessary information and assistance with other competent authorities concerned, whether from the same Member State or from other Member States, including:

(1) the relevant findings raised, and follow-up actions taken as a result of oversight of organisations responsible for the provision of AMS in the territory of a Member State, but having declared their activities with more than one competent authority or in more than one Member State;

(2) information stemming from mandatory and voluntary occurrence reporting as required by points ADR.OR.C.030 and ADR.OR.F.055.';

(4) point ADR.AR.B.015 is replaced by the following:

'**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 laid down in Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof. That system shall enable it to take action as appropriate to ensure that its management system remains adequate and effective.

(b) The Competent Authority shall update its management system to reflect any changes to Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof in a timely manner, to ensure effective implementation of its management systems.

(c) The Competent Authority shall notify the Agency of changes affecting its capability to perform its tasks and discharge its responsibilities as laid down in Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.'.