II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2022/208

of 14 December 2021

amending Regulation (EU) No 139/2014 as regards the requirements for all-weather operations

(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 39(1) thereof,

Whereas:

(1) Commission Regulation (EU) No 139/2014 ([2]) lays down requirements and administrative procedures related to aerodromes, including provisions addressing the surface movement guidance and control system and low-visibility operations at aerodromes.

(2) In order to align those provisions with Annexes 6 and 14 to the Convention on International Civil Aviation and Doc 9365 of the International Civil Aviation Organization ('ICAO') it is necessary to lay down rules on the implementation of all-weather operations at aerodromes, by ensuring the availability of the appropriate visual and non-visual aids as well as other aerodrome equipment, the availability of the required information, and the implementation of appropriate procedures.

(3) Annex I (Definitions) to Regulation (EU) No 139/2014 should be amended as regards to the definitions of decision altitude, instrument runway, low visibility operations, low visibility procedures, low visibility take-off, operation with operational credits and Type B instrument approach operation.

(4) Annex III (Part-ADR.OR) to Regulation (EU) No 139/2014 lays down organisation requirements for aerodrome operators. That Annex has become outdated as regards the regulatory framework regarding visual and non-visual aids, notably as regards meteorological equipment and should therefore be amended to include specific requirements as regards the availability and maintenance of visual and non-visual aids and any other equipment necessary to support all-weather operations.

([1]) OJ L 212, 22.8.2018, p. 1.

([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).

(5) Annex IV (Part-ADR.OPS) to Regulation (EU) No 139/2014 lays down the requirements for the operation of aerodromes. That Annex should be amended to include specific operational procedures applicable to the aerodrome operator that address the surface movement guidance and control system and low-visibility operations at aerodromes.

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

(7) Pursuant to Article 75(2), points (b) and (c) and Article 76(1) of Regulation (EU) 2018/1139 the European Union Aviation Safety Agency prepared and submitted to the Commission Opinion No 02/2021 ([3]) as regards draft implementing rules.

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 139/2014 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 1 August 2022.

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

Done at Brussels, 14 December 2021.

For the Commission
The President
Ursula VON DER LEYEN

([3]) https://www.easa.europa.eu/document-library/opinions

ANNEX

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

(1) Annex I is amended as follows:

(a) the following point (16a) is inserted:

"(16a) 'decision altitude' ('DA') or 'decision height' ('DH') means a specified altitude or height in a 3D instrument approach operation at which a missed approach procedure must be initiated if the required visual reference to continue the approach has not been established;";

(b) point (22) is replaced by the following:

"(22) 'instrument runway' means one of the following types of runways intended for the operation of aircraft using instrument approach procedures:

1. 'non-precision approach runway': a runway served by visual aids and at least one non-visual aid, intended for landing operations following a type A instrument approach operation;

2. 'precision approach runway, category I': a runway served by visual aids and at least one non-visual aid, intended for landing operations following a type B CAT I instrument approach operation;

3. 'precision approach runway, category II': a runway served by visual aids and at least one non-visual aid, intended for landing operations following a type B CAT II instrument approach operation;

4. 'precision approach runway, category III': a runway served by visual aids and at least one non-visual aid, intended for landing operations following a type B CAT III instrument approach operation;";

(c) the following point (24c) is inserted:

'(24c) 'low-visibility operations (LVOs)' means approach or take-off operations on a runway with a runway visual range less than 550 m or a decision height less than 200 ft;';

(d) point (25) is replaced by the following:

"(25) 'low-visibility procedures' means procedures applied at an aerodrome for the purpose of ensuring safety during low-visibility operations;";

(e) point (26) is replaced by the following:

"(26) 'low-visibility take-off (LVTO)' means a take-off with a runway visual range less than 550 m;";

(f) point (27) is deleted;

(g) the following point (34c) is inserted:

"(34c) 'operation with operational credits' means an operation using specific aircraft or ground equipment, or a combination of aircraft and ground equipment which allows any of the following elements:

(a) the application of lower than standard aerodrome operating minima for a particular classification of operation;

(b) visibility requirements can be satisfied or reduced;

(c) fewer ground facilities are required;";

(h) point (35) is deleted;

(i) point (47b) is replaced by the following:

"(47b) 'Type B instrument approach operation' means an instrument approach operation with a decision height below 75 m (250 ft) categorised as follows:

1. Category I (CAT I): a decision height not lower than 60 m (200 ft) and with either a visibility not less than 800 m or a runway visual range not less than 550 m;

2. Category II (CAT II): a decision height lower than 60 m (200 ft), but not lower than 30 m (100 ft) and a runway visual range not less than 300 m;

3. Category III (CAT III): a decision height lower than 30 m (100 ft) or no decision height and a runway visual range less than 300 m or no runway visual range limitations.";

(2) In Annex III, in point ADR.OR.C.005, the following point (e) is added:

"(e) The aerodrome operator, in order to ensure the safe operation of aircraft at the aerodrome, shall provide and maintain, directly or through arrangements with third parties, visual and non-visual aids, meteorological equipment and any other equipment, commensurate with the type of operations conducted at the aerodrome.";

(3) Annex IV is amended as follows:

(a) in Subpart A, the following points ADR.OPS.A.070, ADR.OPS.A.075, ADR.OPS.A.080 and ADR.OPS.A.085 are added:

"**ADR.OPS.A.070 Information on the aerodrome lighting system**

The aerodrome operator shall report to the aeronautical information services the information on the parts of the aerodrome lighting system where light units are light emitting diode (LED) lights.

ADR.OPS.A.075 Charts

The aerodrome operator, either directly or through arrangements with third parties, shall ensure that charts relevant to the aerodrome are published in the AIP by the aeronautical information service provider.

ADR.OPS.A.080 Information on radio navigation and landing aids

(a) The aerodrome operator shall ensure, either directly or through arrangements with third parties, that information on the radio navigation and landing aids associated with the instrument approach and the terminal area procedures at the aerodrome, are provided to the aeronautical information services.

(b) The information referred to in point (a) shall include the following:

(1) type of aids;

(2) magnetic variation to the nearest degree, as appropriate;

(3) type of supported operation for ILS/MLS/GLS, basic GNSS and SBAS;

(4) classification for ILS;

(5) facility classification and approach facility designation(s) for GBAS;

(6) for VOR/ILS/MLS also station declination to the nearest degree used for technical line-up of the aid;

(7) identification, if required;

(8) frequency(-ies), channel number(s), service provider and reference path identifier(s) (RPI(s)), as appropriate;

(9) hours of operation, as appropriate;

(10) geographical coordinates in degrees, minutes, seconds and tenths of seconds of the position of the transmitting antenna, as appropriate;

(11) elevation of the DME transmitting antenna to the nearest 30 m (100 ft) and of the distance-measuring equipment precision (DME/P) to the nearest 3 m (10 ft), elevation of GBAS reference point to the nearest metre or foot, and the ellipsoid height of the point to the nearest metre or foot; for SBAS, the ellipsoid height of the landing threshold point (LTP) or the fictitious threshold point (FTP) to the nearest metre or foot;

(12) service volume radius from the GBAS reference point to the nearest kilometre or nautical mile; and

(13) remarks.

ADR.OPS.A.085 Information on visual segment surface (VSS) penetration

The aerodrome operator shall ensure, either directly or through arrangements with third parties, that information on visual segment surface penetration is provided to the aeronautical information services, including procedure and procedure minima affected.";

(b) Subpart B is amended as follows:

(i) point ADR.OPS.B.030 is amended as follows:

— point (a) is replaced by the following:

"(a) The aerodrome operator shall ensure that a surface movement guidance and control system (SMGCS) is provided at the aerodrome. The SMGCS shall:

(1) take into account the design characteristics and the operational and meteorological conditions of the aerodrome, as well as human factors principles;

(2) be designed to assist in the prevention of:

(i) inadvertent incursions of aircraft and vehicles on an active runway; and

(ii) collisions between aircraft as well as between aircraft and vehicles or objects on any part of the movement area; and

(3) be supported by appropriate means and procedures.";

— the following point (d) is added:

"(d) The aerodrome operator shall coordinate with the air traffic services provider the development of the SMGCS procedures at the aerodrome.";

(ii) point ADR.OPS.B.045 is replaced by the following:

'**ADR.OPS.B.045 Low-visibility procedures**

(a) The aerodrome operator shall ensure that the aerodrome is provided with appropriate aerodrome equipment and facilities, and that appropriate low-visibility procedures are established and implemented where it is intended to be used for any of the following operations:

(1) low-visibility take-offs;

(2) approach and landing operations with visibility conditions less than 550 m RVR or DH less than 200 ft (60 m);

(3) operations with operational credits where the actual RVR is less than 550 m.

The low-visibility procedures shall coordinate the movement of aircraft and vehicles and shall restrict or prohibit activities on the movement area.

(b) The aerodrome operator shall establish and implement the low-visibility procedures in cooperation with the air traffic services provider. The low-visibility procedures shall include criteria for their preparation, initiation and termination. The criteria shall be based on RVR and cloud ceiling values.

(c) The aerodrome operator shall inform the aeronautical information services provider and air traffic services provider, as appropriate, of any change on the status of the aerodrome equipment and facilities that have an impact on low-visibility operations.

(d) The aerodrome operator shall provide information on low-visibility procedures to the aeronautical information services provider, for publication in the AIP.

(e) Low-visibility procedures, and any changes thereto, shall require prior approval by the competent authority.".