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Our date: 27.11.2020
Our reference: 20/06185-36

Your date: 07.10.2020
Your reference: Ben King

Exemption under Article 14.4 of Basic Regulation 216/2008 - Menzies Aviation OSL - Extension

Summary

Menzies Aviation OSL identified an urgent operational need for an exemption from (EU) 923/2012, SERA.3215 (b) and (d), Lights to be displayed by aircraft, for towing specific aircraft types, notably the Boeing 737 and Airbus A320 series, at Oslo Airport Gardermoen, with the aircraft being suitably illuminated by light sources mounted on the tow truck.

CAA Norway granted an exemption, our file ref 20/06185-13, under Article 14.4 of Basic Regulation 216/2008 on March 27th 2020, valid until 31st May 2020 on specified conditions.

EASA in letter Ref. Ares(2020)2527072 - 13/05/2020 has evaluated the Exemption and given a positive recommendation.

On request from Menzies Aviation OSL, CAA Norway extended the exemption until November 30th 2020, our file reference 20/06185-20.

Menzies Aviation OSL has asked by e-mail of October 07th 2020 for a further extension of the exemption on the same conditions, since the urgent operational need to maintain social distancing amongst the towing crew due to the Covid-19 pandemic still exists.

CAA-Norway has decided to grant such further extension.

Background

Menzies Aviation OSL identified an urgent operational need for an exemption from (EU) 923/2012, SERA.3215 (b) and (d), Lights to be displayed by aircraft, for towing specific aircraft types, notably the Boeing 737 and Airbus A320 series, at Oslo Airport Gardermoen, with the aircraft being suitably illuminated by light sources mounted on the tow truck.

The Covid-19 issue created a situation where it was necessary to take measures to reduce the possibility of spreading the disease between people in general (Government restrictions) and employees in particular (additional employer responsibility). Menzies Aviation OSL performs, amongst other tasks, towing of aircraft at Oslo Airport, Gardermoen.

Due to the situation described above, Menzies Aviation OSL identified an urgent operational need to conduct towing of aircraft without having a person in the cockpit. A consequence is that

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an exemption from (EU) 923/2012, Standardised European Rules of the Air (SERA), para SERA.3215 (b) and (d) was applied for, and granted, being valid through 31st May 2020. Menzies Aviation OSL has applied for an extension of the exemption since the requirements for social distancing remains.

A new factor that supports the need for an extension is that a number of aircraft have been temporarily been placed in “active storage” condition”, which prevents the use of the APU. However, they still need to be moved for various purposes.

Regulations

The Civil Aviation Act of 11 June 1993 No 101 incorporates Basic Regulation (EC) No 216/2008, which contains flexibility provisions in Article 14 (4) in the event of unforeseen circumstances or operational needs of a limited duration, provided that the level of safety is not adversely affected.

This decision relates to Regulation (EU) 923/2012, Standardised European Rules of the Air (SERA).

Justification

1. The need to issue an extension of the exemption:

The exemption was granted on the basis of Basic Regulation 216/2008 Article 14 (4) in connection to the unforeseen circumstances and operational needs following the Covid-19 situation.

The exemption was related to SERA.3215(b) and (d), lights to be displayed by aircraft being towed.

In order to fulfil the requirements, on some aircraft types, the aircraft's Auxiliary Power Unit (APU) has to be operating, and this require a qualified person to be in the cockpit. This necessitates the towing operation to be carried out by a two man crew. Travelling to and from the towing operation requires the team to travel inside the narrow cabin of the tow truck. This is seen as highly undesirable from the perspective of limiting spread of the virus. As the towing staff consists of a limited group of highly specialised personnel, the capacity for towing at the airport would be severely affected if staff members need to go into quarantine.

A new factor which must be taken into account, is that some aircraft have been placed in “active storage mode”, and this in itself prevents the use of the APU. However, these aircraft also need to be towed for various purposes.

In this specific case, the aircraft type is the Boeing 737 and Airbus A320 series.

Since all the tow trucks have light sources for illumination of the aircraft, it is desirable that the exemption covers both the A320 and the B737 series. This will contribute to the use of standard procedures for towing the two aircraft types, and provide a back-up solution for the B737 series. CAA Norway agrees that the urgent operational condition still exists.

2. Evidence that safety is not adversely affected:

The purpose of the requirements in SERA.3215 (b) and (d) is to ensure that the position and direction of travel of the aircraft being towed is easily identifiable to other aircraft or vehicles operating on the movement area, to avoid collisions.

The purpose of the requirements will be fulfilled by adequately illuminating the aircraft from lights sources mounted on the tow truck.

The method was accepted by CAA-Norway 14.06.2007 based on tests carried out in 2006. In 2008, the aerodrome operator in 2008, based on a risk assessment carried out by the then aerodrome operator, Oslo lufthavn AS, in cooperation with SAS (aircraft operator), and SAS Ground Services (Now Scandinavian Ground Handling, SGH).

The risk assessment showed acceptable risk of collision between aircraft being towed and other aircraft or vehicles provided that the specific conditions were met.

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A prerequisite for issuing the exemption was that the method of illuminating the aircraft by light sources on the tow truck is accepted by the aerodrome operator (Avinor AS), who must coordinate with the Air Navigation Service Provider (ANSP).

CAA Norway received documentation (enclosed) from the aerodrome operator that this prerequisite had been fulfilled.

CAA Norway has also received an e-mail from the aerodrome operator that no undesired events have been registered since the exemption was granted

Based on this information, CAA Norway is confident that the purpose of SERA.3215(b) and (d) is satisfied, and that the exemption may be extended.

3. Decision:

CAA Norway grants Menzies Aviation OSL an extension of the exemption issued on the 27th of March 2020, reference (EC) 216/2008, Article 14.4, from (EU) 923/2012, SERA.3215 (b) and (d), to allow towing of the Boeing 737 and Airbus A320 series aircraft at Oslo Airport, Gardermoen with the aircraft being illuminated by light sources mounted on the towtruck.

Conditions/Limitations

The exemption shall have effect from this day until midnight **31st May 2021**, unless revoked by CAA Norway or surrendered.

The exemption is valid at Oslo Airport Gardermoen, and the following conditions apply:

- The towing shall be carried out as Towbarless (TBL) towing with approved equipment(1)
- No passengers shall be on board the aircraft.
- The tow truck shall have extra strobe lights flashing visibly beneath the aircraft fuselage.
- The tow truck shall have xenon lights which illuminates the fuselage and wingtips
- Such operations are only allowed when the whole manoeuvring area is visible from the control tower (Visibility condition 1), and never when Low Visibility Procedures are in force.
- Clearance shall be obtained from Air Traffic Control (TWR) on UHF. The clearance request shall contain information on the method being used for the towing.
- These conditions apply to the area(s) included in the clearance from the TWR.”

This extension of the exemption has been notified to EASA and the EFTA Surveillance Authority (ESA), which shall evaluate the exemption in accordance with the provision of Article 14 of Regulation 216/2008 (5). In case these authorities find that the exception does not comply with the common European rules for civil aviation, CAA Norway may amend or revoke this exemption. This extension of the exemption is therefore issued subject to such conditions.

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Right to appeal

You have the right to appeal this decision to the Ministry of Transport. An appeal must be sent to CAA-Norway within three weeks from receipt of this decision. You can read more here: <https://luftfartstilsynet.no/om-oss/saksbehandling/> You may also contact CAA-Norway for further information.

Yours sincerely

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Henning R. Tennes
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This document has been electronically validated, thus eliminating the need for a physical signature.

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