

Directive 2004/36/CE of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports (repealed)

DIRECTIVE 2004/36/CE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

of 21 April 2004

on the safety of third-country aircraft using Community airports (repealed)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 80(2) thereof,

Having regard to the proposal from the Commission⁽¹⁾,

Having regard to the Opinion of the European Economic and Social Committee⁽²⁾,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁽³⁾, in the light of the joint text approved by the Conciliation Committee on 26 February 2004,

Whereas:

- (1) The Resolution on the air disaster off the coast of the Dominican Republic adopted by the European Parliament on 15 February 1996⁽⁴⁾ highlights the need for the Community to take a more active stance and develop a strategy to improve the safety of its citizens travelling by air or living near airports.
- (2) The Commission has issued a Communication to the European Parliament and the Council entitled 'Defining a Community Aviation Safety Improvement Strategy'.
- (3) That Communication clearly states that safety may be effectively enhanced by ensuring that aircraft comply fully with the international safety standards contained in the Annexes to the Convention on International Civil Aviation, signed in Chicago on 7 December 1944 ('the Chicago Convention').
- (4) In order to establish and maintain a high uniform level of civil aviation safety in Europe, a harmonised approach to the effective enforcement of international safety standards within the Community should be introduced. To that end, it is necessary to harmonise the rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States.
- (5) A harmonised approach to the effective enforcement of international safety standards by the Member States will avoid distortions of competition. A common stance on third-country aircraft that fail to comply with international safety standards will be of benefit to the position of the Member States.

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- (6) Aircraft landing in the Member States should undergo an inspection when it is suspected that they do not comply with international safety standards.
- (7) Inspections may also be carried out in accordance with a spot-check procedure in the absence of any particular suspicion, provided that Community and international law is observed. In particular, the inspections should be carried out in a non-discriminatory way.
- (8) Inspections could be stepped up in the case of aircraft in which defects have already been identified frequently in the past, or on aircraft belonging to airlines whose aircraft have frequently attracted attention.
- (9) Information gathered in each Member State should be made available to all the other Member States and the Commission in order to ensure the most efficient monitoring of the compliance of third country aircraft with international safety standards.
- (10) For these reasons there is a need to establish, at Community level, a procedure for the assessment of third-country aircraft and related cooperation mechanisms between the competent authorities of the Member States to exchange information.
- (11) The sensitive nature of safety-related information requires that Member States should take necessary measures, in accordance with their national law, to ensure appropriate confidentiality of the information received by them.
- (12) Without prejudice to the public's right of access to the Commission's documents as laid down in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents⁽⁶⁾, the Commission should adopt measures for the dissemination to interested parties of such information and the associated conditions.
- (13) Aircraft on which corrective measures are required should, where the identified deficiencies are clearly hazardous to safety, be grounded until the non-compliance with international safety standards has been rectified.
- (14) The facilities in the airport of inspection may be such that the competent authority will be obliged to authorise the aircraft to transfer to an appropriate airport, provided that conditions for a safe transfer are complied with.
- (15) In order to carry out its tasks under this Directive, the Commission should be assisted by the committee instituted by Article 12 of Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonisation of technical requirements and administrative procedures in the field of civil aviation⁽⁶⁾.
- (16) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission⁽⁷⁾.
- (17) The Commission should place at the disposal of the committee instituted by Article 12 of Regulation (EEC) No 3922/91 statistics and information collected in compliance with other Community measures concerning specific incidents that could be relevant to uncovering deficiencies representing a threat to civil aviation safety.

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- (18) It is necessary to take into account the cooperation and information exchanges occurring within the framework of the Joint Aviation Authorities (JAA) and the European Civil Aviation Conference (ECAC). Moreover, the greatest possible use should be made of existing expertise in procedures of Safety Assessment of Foreign Aircraft (SAFA).
- (19) Account should be taken of the role of the European Aviation Safety Agency (EASA) in civil aviation safety policy, including the establishment of procedures that aim to establish and maintain a high uniform level of civil aviation safety in Europe.
- (20) Arrangements for greater cooperation over the use of Gibraltar airport were agreed in London on 2 December 1987 by the Kingdom of Spain and the United Kingdom in a joint declaration by the Ministers of Foreign Affairs of the two countries, and such arrangements have yet to come into operation,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Scope and objective

1 Within the framework of the Community's overall strategy to establish and maintain a high uniform level of civil aviation safety in Europe, this Directive introduces a harmonised approach to the effective enforcement of international safety standards within the Community by harmonising the rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States.

2 This Directive shall be without prejudice to the Member States' right to carry out inspections not covered by this Directive and to ground, ban, or impose conditions on any aircraft landing at their airports in accordance with Community and international law.

3 State aircraft, as defined in the Chicago Convention, and aircraft of a maximum take-off weight of less than 5 700 kg not engaged in commercial air transport are excluded from the scope of this Directive.

4 The application of this Directive to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.

5 The application of this Directive to Gibraltar airport shall be suspended until the arrangements in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 have come into operation. The Governments of Spain and the United Kingdom will inform the Council of such date of entry into operation.

Article 2

Definitions

For the purpose of this Directive:

- (a) 'grounding' means the formal prohibition of an aircraft to leave an airport, and the taking of such steps as are necessary to detain it;

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- (b) ‘international safety standards’ means the safety standards contained in the Chicago Convention and its Annexes, as in force at the time of the inspection;
- (c) ‘ramp inspection’ means the examination of third-country aircraft in accordance with Annex II;
- (d) ‘third-country aircraft’ means an aircraft which is not used or operated under the control of a competent authority of a Member State.

Article 3

Collection of information

Member States shall put in place a mechanism to collect any information deemed useful for the fulfilment of the objective stated in Article 1, including:

- (a) important safety information accessible, in particular, through:
- pilot reports,
 - maintenance organisation reports,
 - incident reports,
 - other organisations, independent from the competent authorities of the Member States,
 - complaints;
- (b) information on action taken subsequent to a ramp inspection, such as:
- aircraft grounded,
 - aircraft or operator banned from the Member State concerned,
 - corrective action required,
 - contacts with the operator's competent authority;
- (c) follow-up information concerning the operator, such as:
- corrective action implemented,
 - recurrence of discrepancy.

This information shall be kept, using a standard report form containing the items described, in the form set out in Annex I.

Article 4

Ramp inspection

1 Each Member State shall put in place the appropriate means to ensure that third-country aircraft suspected of non-compliance with international safety standards landing at any of its airports open to international air traffic shall be subject to ramp inspections. In implementing such procedures, particular attention shall be given by the competent authority to aircraft:

- where information has been received indicating poor maintenance condition or obvious damage or defects;
- which have been reported as performing abnormal manoeuvres since entering the airspace of a Member State such as to give rise to serious safety concerns;
- in respect of which a previous ramp inspection has revealed deficiencies which give rise to serious concern that the aircraft does not comply with international safety

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standards and where the Member State is concerned that the defects may not have been corrected;

- where there is evidence that the competent authorities of the country of registration may not be exercising proper safety oversight; or
- where information collected under Article 3 gives cause for concern about the operator or where a previous ramp inspection of an aircraft used by the same operator has revealed deficiencies.

2 Member States may establish rules in order to carry out ramp inspections in accordance with a spot-check procedure in the absence of any particular suspicion, provided that such rules comply with Community and international law. Such a procedure shall, however, be carried out in a non-discriminatory way.

3 Member States shall ensure that appropriate ramp inspections and other surveillance measures as decided within the framework of Article 8(3) will be implemented.

4 The ramp inspection shall be performed in accordance with the procedure described in Annex II and using a ramp inspection report form containing at least the items described in the form set out in Annex II. On completion of the ramp inspection, the commander of the aircraft or a representative of the aircraft operator shall be informed of the ramp inspection findings and, if significant defects have been found, the report shall be sent to the operator of the aircraft and to the competent authorities concerned.

5 When performing a ramp inspection under this Directive, the competent authority concerned shall make all possible efforts to avoid an unreasonable delay of the aircraft inspected.

Article 5

Exchange of information

1 The competent authorities of the Member States shall participate in a mutual exchange of information. Such information shall, at the request of a competent authority, include a list of airports of the Member State concerned that are open to international air traffic with an indication, for each calendar year, of the number of ramp inspections performed and the number of movements of third-country aircraft at each airport on that list.

2 All standard reports referred to in Article 3 and the ramp inspection reports referred to in Article 4(4) shall be made available without delay to the Commission and, at their request, to the competent authorities of the Member States and to the European Aviation Safety Agency (EASA).

3 Whenever a standard report shows the existence of a potential safety threat, or a ramp inspection report shows that an aircraft does not comply with international safety standards and may pose a potential safety threat, the report will be communicated without delay to each competent authority of the Member States and the Commission.

Article 6

Protection and dissemination of information

1 Member States shall, in accordance with their national legislation, take the necessary measures to ensure appropriate confidentiality of the information received by them under Article 5. They shall use this information solely for the purpose of this Directive.

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2 The Commission shall publish yearly an aggregated information report available to the public and the industry stakeholders containing an analysis of all information received in accordance with Article 5. That analysis shall be simple and easy to understand and shall indicate whether there exists an increased safety risk to air passengers. In the analysis, the source of that information shall be disidentified.

3 Without prejudice to the public's right of access to the Commission's documents as laid down in Regulation (EC) No 1049/2001, the Commission shall adopt, on its own initiative and in accordance with the procedure referred to in Article 10(2), measures for the dissemination to interested parties of the information referred to in paragraph 1 and the associated conditions. These measures, which may be general or individual, shall be based on the need:

- to provide persons and organisations with the information they need to improve civil aviation safety;
- to limit the dissemination of information to what is strictly required for the purposes of its users, in order to ensure appropriate confidentiality of that information.

4 Whenever information concerning aircraft deficiencies is given voluntarily, the ramp inspection reports referred to in Article 4(4) shall be disidentified regarding the source of such information.

Article 7

Grounding of aircraft

1 Where non-compliance with international safety standards is clearly hazardous to flight safety, measures should be taken by the aircraft operator to rectify the deficiencies before flight departure. If the competent authority performing the ramp inspection is not satisfied that corrective action will be carried out before the flight, it shall ground the aircraft until the hazard is removed and shall immediately inform the competent authorities of the operator concerned and of the State of registration of the aircraft.

2 The competent authority of the Member State performing the ramp inspection may, in coordination with the State responsible for the operation of the aircraft concerned or the State of registration of the aircraft, prescribe the necessary conditions under which the aircraft can be allowed to fly to an airport at which the deficiencies can be corrected. If the deficiency affects the validity of the certificate of airworthiness for the aircraft, the grounding may only be lifted if the operator obtains permission from the State or States which will be overflown on that flight.

Article 8

Safety improvement and implementation measures

1 Member States shall report to the Commission on the operational measures taken to implement the requirements of Articles 3, 4 and 5.

2 On the basis of the information collected under paragraph 1, the Commission may, in accordance with the procedure referred to in Article 10(2), take any appropriate measures to facilitate the implementation of Articles 3, 4 and 5 such as:

- establish the list of information to be collected;
- detail the content of, and procedures for, ramp inspections;
- define the format for the storage and dissemination of data;

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— create or support the appropriate bodies for managing or operating the tools necessary for the collection and exchange of information.

3 On the basis of the information received under Articles 3, 4 and 5, and in accordance with the procedure referred to in Article 10(2), a decision may be taken on appropriate ramp inspection and other surveillance measures, in particular those of a specific operator or of operators of a specific third country, pending the adoption by the competent authority of that third country of satisfactory arrangements for corrective measures.

4 The Commission may take any appropriate measures to cooperate with and assist third countries to improve their aviation safety oversight capabilities.

F1 Article 9

[^{F1}Imposition of a ban or conditions on operation]

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Textual Amendments

- F1** Deleted by [Regulation \(EC\) No 2111/2005 of the European Parliament and of the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC \(Text with EEA relevance\).](#)

Article 10

Committee procedure

1 The Commission shall be assisted by the committee set up by Article 12 of Regulation (EEC) No 3922/91.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3 Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

4 The Committee shall adopt its rules of procedure.

5 The Committee may furthermore be consulted by the Commission on any other matter concerning the application of this Directive.

Article 11

Implementation

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 30 April 2006. They shall forthwith inform the Commission thereof.

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When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

Article 12

Amendment of Annexes

The Annexes to this Directive may be amended in accordance with the procedure referred to in Article 10(2).

Article 13

Report

By 30 April 2008 the Commission shall submit a report to the European Parliament and the Council on the application of this Directive, and in particular on Article 9, which, *inter alia*, takes into account developments in the Community and in international fora. The report may be accompanied by proposals for an amendment of this Directive.

Article 14

Entry into force

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Union*.

Article 15

This Directive is addressed to the Member States.

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ANNEX I



National Aviation Authority (Name)

(State)

SAFA

Standard Report

¹ No: _____

² Source: SR

³ Date:

⁴ Place:

⁵ (Unused)

⁶ Operator:

⁷ AOC number:

⁸ State:

.....

⁹ Route: from

¹⁰ Flight number:

¹¹ Route: to

¹² Flight number:

¹³ Chartered by Operator*:

¹⁴ Charterer's State:

* (where applicable)

¹⁵ Aircraft Type

¹⁶ Registration mark

¹⁷ Construction number

¹⁸ Flight crew: State of licensing:

¹⁹ Remarks:

.....
.....
.....
.....

²⁰ Action taken:

.....
.....
.....
.....

²¹ (Unused)

²² National Coordinator's name

²³ Signature

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[^{F2}ANNEX II

Manual of EC SAFA ramp inspection procedures — Core elements

Textual Amendments

F2 Substituted by [Commission Directive 2008/49/EC of 16 April 2008 amending Annex II to Directive 2004/36/EC of the European Parliament and of the Council regarding the criteria for the conduct of ramp inspections on aircraft using Community airports \(Text with EEA relevance\)](#).

1. GENERAL INSTRUCTIONS

- 1.1. SAFA ramp inspections shall be performed by inspectors possessing the necessary knowledge relevant to the area of inspection whereby technical, airworthiness and operational knowledge must be represented in case all items of the checklist are being verified. When a ramp inspection is performed by two or more inspectors, the main elements of the inspection — the visual inspection of the aircraft exterior, the inspection in the flight deck and the inspection of the passenger cabin and/or cargo compartments — may be divided among the inspectors.
- 1.2. Inspectors must identify themselves to the aircraft pilot in command or, in his/her absence, to a member of the flight crew or to the most senior representative of the operator prior to commencing the onboard part of their ramp inspection. When it is not possible to inform any representative of the operator or when there is no such representative present in or near the aircraft, the general principle will be not to perform a SAFA ramp inspection. In special circumstances it may be decided to perform a SAFA ramp inspection but this shall be limited to a visual check of the aircraft exterior.
- 1.3. The inspection shall be as comprehensive as possible within the time and resources available. This means that if only a limited amount of time or resources is available, not all inspection items but a reduced number may be verified. According to the time and resources available for a SAFA ramp inspection, the items that will be inspected shall be selected accordingly in conformity with the objectives of the EC SAFA Programme.
- 1.4. A ramp inspection shall not cause an unreasonable delay in the departure of the inspected aircraft. Possible causes for delay may be, but are not limited to, doubts regarding the correctness of the flight preparation, the airworthiness of the aircraft or any matters directly related to the safety of the aircraft and its occupants.

2. QUALIFICATION OF INSPECTORS

- 2.1. Member States shall ensure that with effect from 1 January 2009, all SAFA ramp inspections conducted in their territory are performed by qualified inspectors.
- 2.2. Member States shall ensure that their inspectors meet the qualification criteria as provided hereunder.
- 2.3. Qualification criteria
 - 2.3.1. Eligibility criteria

As a prerequisite for eligibility to qualification, Member States shall ensure that candidates for qualification as SAFA inspectors possess the necessary aeronautical education and/or practical knowledge relevant to their area/s of inspection, namely:

- (a) operation of aircraft;
- (b) personnel licensing;
- (c) airworthiness of aircraft;
- (d) dangerous goods.

2.3.2. Training requirements

Prior to qualification, candidates must have successfully completed training consisting of:

- theoretical classroom training to be delivered by a SAFA training organisation as defined in paragraph 2.4,
- practical training to be delivered by a SAFA training organisation as defined in paragraph 2.4 or by a senior inspector appointed by a Member State as provided in paragraph 2.5 acting independently from a SAFA training organisation,
- on the job training: to be delivered over a series of inspections by a senior inspector appointed by a Member State as provided in paragraph 2.5.

2.3.3. Requirements for maintaining the validity of the qualification

Member States shall ensure that once qualified, inspectors maintain the validity of their qualification by:

- (a) undergoing recurrent training — which shall consist of theoretical classroom training to be delivered by a SAFA training organisation as defined in paragraph 2.4;
- (b) performing a minimum number of ramp inspections in every 12-month period since last undergoing SAFA training unless the inspector is also a qualified flight operations or airworthiness inspector of the national aviation authority of a Member State and is regularly engaged in the performance of inspections on aircraft of domestic operators.

2.3.4. Guidance material

EASA shall develop and publish by not later than 30 September 2008 detailed guidance material in order to assist the Member States in the implementation of paragraphs 2.3.1, 2.3.2 and 2.3.3.

2.4. SAFA training organisations

2.4.1. A SAFA training organisation may be a part of a Member State's competent authority or a third party organisation.

A third party organisation may be:

- part of another Member State's competent authority,
- an independent entity.

2.4.2. Member States shall ensure that training courses referred to in paragraphs 2.3.2 and 2.3.3(a) undertaken by their national authority is conducted, as a minimum, in accordance with the relevant syllabi established and published by EASA.

2.4.3. Member States employing a third party organisation for the purpose of SAFA-related training shall put in place a system to evaluate such an organisation. The system shall be simple, transparent and proportionate and take account of any relevant guidance materials established and published by EASA. Such a system may take into account evaluations conducted by other Member States.

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- 2.4.4. A third party training organisation may only be used if the evaluation shows that training will be provided in accordance with the relevant syllabi established and published by EASA.
- 2.4.5. Member States shall ensure that their competent authorities' training programmes and/or their systems for the evaluation of third party training organisations are amended accordingly to reflect any recommendations arising from the standardisation audits conducted by EASA in accordance with the working methods provided under Commission Regulation (EC) No 736/2006⁽⁸⁾.
- 2.4.6. A Member State may request EASA to evaluate the training organisation and issue an advice on which the Member State may base its own evaluation.
- 2.4.7. EASA shall develop and publish detailed guidance material in order to assist the Member States in the implementation of this paragraph by not later than 30 September 2008.
- 2.5. Senior inspectors
- 2.5.1. A Member State may appoint senior inspectors provided that they meet the relevant qualification criteria to be established by that Member State.
- 2.5.2. Member States shall ensure that the criteria mentioned in 2.5.1 contain at least the following requirements whereby the appointee:
- has been a qualified SAFA inspector over the three years prior to the appointment,
 - has performed a minimum of 36 SAFA inspections during the three years prior to the appointment.
- 2.5.3. Member States shall ensure that practical training and/or on the job training delivered by their senior inspectors is based on the relevant syllabi established and published by EASA.
- 2.5.4. Member States may also assign their senior inspectors to deliver practical training and/or on the job training to trainees of other Member States.

EASA shall develop and publish detailed guidance material in order to assist the Member States in the implementation of this paragraph by not later than 30 September 2008.

- 2.6. Transitional measures
- 2.6.1. SAFA inspectors who meet the eligibility criteria referred to in paragraph 2.3.1, as well as the recent experience criteria referred to in paragraph 2.3.3(b) at the date established under Article 3 of Commission Directive 2008/49/EC shall be considered to qualify as inspectors in accordance with the requirements set out in this chapter.
- 2.6.2. Notwithstanding the provisions of paragraph 2.3.3(a), inspectors considered to be qualified in accordance with paragraph 2.6.1 shall undergo recurrent training to be delivered progressively by a SAFA training organisation by not later than 1 July 2010 and subsequently as provided under paragraph 2.3.3(a).
3. STANDARDS
- 3.1. The ICAO Standards and the ICAO European Regional Supplementary Procedures are the baseline against which the aircraft and the operator are being inspected under the EC SAFA Programme. In addition, when inspecting the technical condition of an aircraft, it shall be checked against the aircraft manufacturer's standards.

4. INSPECTION PROCESS

Checklist items

- 4.1. The items to be inspected will be selected from those mentioned on the checklist in the SAFA Ramp Inspection Report which contains a total of 54 items. (see Attachment 1).
- 4.2. The inspection and the resulting findings, if any, have to be reflected in the SAFA Ramp Inspection Report after the inspection is completed.

SAFA detailed guidance

- 4.3. For each inspection item of the checklist in the SAFA Ramp Inspection Report a detailed description will be established specifying the scope and method of inspection. In addition a reference will be made to the relevant requirements in the ICAO Annexes. This will be developed and published as detailed guidance material by EASA and amended as necessary to reflect the latest applicable standards.

Inclusion of reports into centralised SAFA database

- 4.4. A report of the inspection shall be entered into the SAFA centralised database as soon as possible and in any case not later than 15 working days after the date of the inspection, even if no findings were identified.

5. CATEGORISATION OF FINDINGS

- 5.1. For each inspection item, three categories of possible deviations from the relevant standards established under paragraph 3.1 are defined as findings. Such findings will be categorised as follows:

- a category 1 finding is considered to have a minor influence on safety,
- a category 2 finding may have a significant influence on safety, and
- a category 3 finding may have a major influence on safety.

- 5.2. Instructions on the categorisation of findings will be developed and published as detailed guidance material by EASA and amended as necessary in order to reflect relevant scientific and technical progress.

6. FOLLOW-UP ACTIONS TO BE TAKEN

- 6.1. Without prejudice to paragraph 1.2, a proof of inspection containing at least the elements set out in Appendix 2 must be completed and a copy handed over to the aircraft pilot in command, or in his/her absence, to a member of the flight crew or to the most senior representative of the operator present in or near the aircraft upon completion of the SAFA inspection. A signed acknowledgment of receipt of the proof of inspection shall be requested from the recipient and be retained by the inspector. Refusal by the recipient to sign shall be recorded in the document. Relevant detailed instructions will be developed and published by EASA as detailed guidance material.
- 6.2. Based on how the findings have been categorised, certain follow-up actions have been defined. The relations between the category of findings and the resulting actions to take are presented in the class of actions and will be developed and published by EASA as detailed guidance material.
- 6.3. Class 1 action: This action consists of providing information about the results of the SAFA Ramp inspection to the aircraft pilot in command, or in his/her absence, to another member of the flight crew or to the most senior representative of the operator present. This action consists of a verbal debriefing and the delivery of the proof of

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inspection. A class 1 action shall be taken after each inspection, regardless of whether findings have been identified or not.

6.4. Class 2 action: This action consists of

- (1) a written communication with the operator concerned and shall contain request for evidence of corrective actions taken, and
- (2) a written communication with the responsible state (state of operator and/or registry) addressing the results of inspections carried out on aircraft operated under the safety oversight of the respective state. The communication shall contain, where appropriate, a request for confirmation that they are satisfied with the corrective actions taken under point (1).

Member States shall make available to EASA a monthly report on the status of follow-up actions which they have taken pursuant to ramp inspections.

A class 2 action shall be taken after inspections where category 2 or category 3 findings have been identified.

Relevant detailed instructions will be developed and published by EASA as detailed guidance material.

6.5. Class 3 actions: A class 3 action shall be taken after an inspection where a category 3 finding has been identified. Owing to the significance of category 3 findings with regard to their potential influence on the safety of the aircraft and its occupants, the following sub-classes have been identified:

- (1) Class 3a — Restriction on the aircraft flight operation: The competent authority performing the ramp inspection concludes that following deficiencies identified during the inspection, the aircraft may depart only under certain restrictions.
- (2) Class 3b — Corrective actions before flight: The ramp inspection identifies deficiencies which require corrective action(s) before the intended flight may take place.
- (3) Class 3c — Aircraft grounded by the inspecting national aviation authority: An aircraft is grounded in a situation where following the identification of category 3 (major) findings, the competent authority performing the ramp inspection is not satisfied that corrective measures will be taken by the aircraft operator to rectify the deficiencies before flight departure, thereby posing an immediate safety hazard to the aircraft and its occupants. In such cases, the national aviation authority performing the ramp inspection shall ground the aircraft until the hazard is removed and shall immediately inform the competent authorities of the operator concerned and of the State of registration of the aircraft.

Actions taken under paragraphs 2 and 3 may include a non-revenue positioning flight to the maintenance base.

- (4) Class 3d — Immediate operating ban: A Member State may react to an immediate and obvious safety hazard by imposing an operating ban as provided under the applicable national and Community law.

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Appendix 1

SAFA Ramp Inspection Report



National Aviation Authority (name)

(State)

SAFA

Ramp Inspection Report

No _____

Source: RI

Date: _____ Place: _____

Local time: _____

Operator: _____ AOC Number: _____

State: _____ Type of Operation: _____

Route from: _____ Flight Number: _____

Route to: _____ Flight Number: _____

Chartered by Operator*: _____ Charterer's State*: _____

* (where applicable)

Aircraft Type: _____ Registration marks: _____

Aircraft Configuration: _____ Construction Number: _____

Flight crew: State of Licensing: _____

second State of Licensing*: _____

* (where applicable)

Findings:

Code / Std / Ref / Cat / Finding	Detailed Description
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----

Class of actions taken:

- 3(d) Immediate operating ban
- 3(c) Aircraft grounded by inspecting NAA
- 3(b) Corrective actions before flight
- 3(a) Restriction on aircraft flight operation
- 2 Information to the Authority and Operator
- 1 Information to Captain

Additional information (if any)

Inspectors' names or numbers:

- This report represents an indication of what was found on this occasion and must not be construed as a determination that the aircraft is fit for the intended flight.
- Data submitted in this report can be subject to changes for correct wording upon entering into the SAFA database.

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National Aviation Authority (Name)
(State)

Item code	Checked	Remark
A. Flight Deck		
General		
1. General Condition	1 <input type="checkbox"/>	1 <input type="checkbox"/>
2. Emergency Exit	2 <input type="checkbox"/>	2 <input type="checkbox"/>
3. Equipment	3 <input type="checkbox"/>	3 <input type="checkbox"/>
Documentation		
4. Manuals	4 <input type="checkbox"/>	4 <input type="checkbox"/>
5. Checklists	5 <input type="checkbox"/>	5 <input type="checkbox"/>
6. Radio Navigation Charts	6 <input type="checkbox"/>	6 <input type="checkbox"/>
7. Minimum Equipment List	7 <input type="checkbox"/>	7 <input type="checkbox"/>
8. Certificate of registration	8 <input type="checkbox"/>	8 <input type="checkbox"/>
9. Noise certificate (where applicable)	9 <input type="checkbox"/>	9 <input type="checkbox"/>
10. AOC or equivalent	10 <input type="checkbox"/>	10 <input type="checkbox"/>
11. Radio licence	11 <input type="checkbox"/>	11 <input type="checkbox"/>
12. Certificate of Airworthiness (C of A)	12 <input type="checkbox"/>	12 <input type="checkbox"/>
Flight data		
13. Flight preparation	13 <input type="checkbox"/>	13 <input type="checkbox"/>
14. Weight and balance sheet	14 <input type="checkbox"/>	14 <input type="checkbox"/>
Safety Equipment		
15. Hand fire extinguishers	15 <input type="checkbox"/>	15 <input type="checkbox"/>
16. Life jackets/flotation device	16 <input type="checkbox"/>	16 <input type="checkbox"/>
17. Harness	17 <input type="checkbox"/>	17 <input type="checkbox"/>
18. Oxygen equipment	18 <input type="checkbox"/>	18 <input type="checkbox"/>
19. Flash Light	19 <input type="checkbox"/>	19 <input type="checkbox"/>
Flight Crew		
20. Flight crew licence	20 <input type="checkbox"/>	20 <input type="checkbox"/>
Journey log book/Technical Log or equivalent		
21. Journey Log Book, or equivalent	21 <input type="checkbox"/>	21 <input type="checkbox"/>
22. Maintenance release	22 <input type="checkbox"/>	22 <input type="checkbox"/>
23. Defect notification and rectification (including Tech Log)	23 <input type="checkbox"/>	23 <input type="checkbox"/>
24. Pre-flight inspection	24 <input type="checkbox"/>	24 <input type="checkbox"/>
B. Safety/Cabin		
1. General Internal Condition	1 <input type="checkbox"/>	1 <input type="checkbox"/>
2. Cabin attendant's station and crew rest area	2 <input type="checkbox"/>	2 <input type="checkbox"/>
3. First Aid Kit/Emergency medical kit	3 <input type="checkbox"/>	3 <input type="checkbox"/>
4. Hand fire extinguishers	4 <input type="checkbox"/>	4 <input type="checkbox"/>
5. Life jackets/Flotation devices	5 <input type="checkbox"/>	5 <input type="checkbox"/>
6. Seat belt and seat condition	6 <input type="checkbox"/>	6 <input type="checkbox"/>
7. Emergency exit, lighting and marking, Torches	7 <input type="checkbox"/>	7 <input type="checkbox"/>
8. Slides/Life-Rafts (as required), ELT	8 <input type="checkbox"/>	8 <input type="checkbox"/>
9. Oxygen supply (Cabin Crew and Passengers)	9 <input type="checkbox"/>	9 <input type="checkbox"/>
10. Safety Instructions	10 <input type="checkbox"/>	10 <input type="checkbox"/>
11. Cabin crew members	11 <input type="checkbox"/>	11 <input type="checkbox"/>
12. Access to emergency exits	12 <input type="checkbox"/>	12 <input type="checkbox"/>
13. Safety of passenger baggage's	13 <input type="checkbox"/>	13 <input type="checkbox"/>
14. Seat capacity	14 <input type="checkbox"/>	14 <input type="checkbox"/>

ANNEX II

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Item Code	Checked	Remark
C. Aircraft Condition		
1. General external condition	1 <input type="checkbox"/>	1 <input type="checkbox"/>
2. Doors and hatches	2 <input type="checkbox"/>	2 <input type="checkbox"/>
3. Flight controls	3 <input type="checkbox"/>	3 <input type="checkbox"/>
4. Wheels, tyres and brakes	4 <input type="checkbox"/>	4 <input type="checkbox"/>
5. Undercarriage skids/floats	5 <input type="checkbox"/>	5 <input type="checkbox"/>
6. Wheel well	6 <input type="checkbox"/>	6 <input type="checkbox"/>
7. Powerplant and pylon	7 <input type="checkbox"/>	7 <input type="checkbox"/>
8. Fan blades	8 <input type="checkbox"/>	8 <input type="checkbox"/>
9. Propellers, Rotors (main & tail)	9 <input type="checkbox"/>	9 <input type="checkbox"/>
10. Obvious repairs	10 <input type="checkbox"/>	10 <input type="checkbox"/>
11. Obvious unrepaired damage	11 <input type="checkbox"/>	11 <input type="checkbox"/>
12. Leakage	12 <input type="checkbox"/>	12 <input type="checkbox"/>
D. Cargo		
1. General condition of cargo compartment	1 <input type="checkbox"/>	1 <input type="checkbox"/>
2. Dangerous Goods	2 <input type="checkbox"/>	2 <input type="checkbox"/>
3. Safety of cargo on board	3 <input type="checkbox"/>	3 <input type="checkbox"/>
E. General		
1. General	1 <input type="checkbox"/>	1 <input type="checkbox"/>

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Appendix 2

Proof of Inspection Form]

Proof of Inspection												
Date:		Time:		Place:						Free format information of inspecting NAA (logo, contact details tel/fax/email)		
Operator:				State:		AOC No:						
Route from:			Flight No:			Route to:		Flight No				
Flight type:		Chartered by Operator:			Aircraft type:		Aircraft configuration:					
Charterer's state:				Registration mark:		Construction No:						
Flight crew state(s) of licensing:				Acknowledgement of Receipt (*)								
				Name:		Signature:						
				Funtions:								
Check Remark			Check Remark			Check Remark						
A Flight deck			Flight crew			C Aircraft condition						
1	General condition		20	Flight crew licence		1	General external condition					
2	Emergency exit		Journey log book/Technical Log or equivalent			2	Doors and hatches					
3	Equipment		21	Journey log book or equivalent		3	Flight controls					
Documentation			22	Maintenance release		4	Wheels, tyres and brakes					
4	Manuals		23	Defect notification and rectification (incl. Tech Log)		3	Undercarriage, skids/floats					
5	Checklists		24	Pre-flight inspection		6	Wheel well					
6	Radio navigation charts		B Safety/Cabln			7	Powerplant and pylon					
7	Minimum equipment list		1	General internal condition		8	Fan blades					
8	Certificate of registration		2	Cabin attendant's station and crew rest area		9	Propellers, Rotors (main/tail)					
9	Noise certificate (where applicable)		3	First aid kit/Emergency medical kit		10	Obvious repairs					
10	AOC or equivalent		4	Hand fire extinguishers		11	Obvious unrepaired damage					
11	Radio licence		5	Life jackets/Flotation devices		12	Leakage					
12	Certificate of Airworthiness (C of A)		6	Seat belt and seat condition		D Cargo						
Flight data			7	Emergency exit, lighting and marking, Torches		1	General condition of cargo compartment					
13	Flight preparation		8	Slides/Life-Rafts (as required), ELT		2	Dangerous goods					
14	Weight and balance sheat		9	Oxygen Supply (Cabin Crew and Passengers)		3	Safety of cargo on board					
Safety equipment			10	Safety Instructions		E General						
15	Hand fire extinguishers		11	Cabin crew members		1	General					
16	Life jackets/flotation devices		12	Access to emergency exits								
17	Harness		13	Safety or passenger baggage								
18	Oxygen equipment		14	Seat capacity								
19	Flash light											
Action taken			Item Remarks									
(3c) Aircraft grounded by inspecting NAA												
(3b) Corrective actions before flight												
(3a) Restrictions on the aircraft operation												
(2) Informatin to the authority and operator												
(1) Information to the captain												
(0) No remarks												
Inspector(s) sign or number												
<p>(*) Signature by any member of the crew or other representative of the inspected operator does in no way imply acceptance of the listed findings but simply a confirmation that the aircraft has been inspected on the date an at the place indicated on this document. This report represents an indication of what was found on this occasion and must not be construed as a determination that the aircraft is fit for the intended flight. Data submitted in this report can be subject to changes for correct wording upon entering into the SAFA database.</p>												

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- (1) [OJ C 103 E, 30.4.2002, p. 351.](#)
- (2) [OJ C 241, 7.10.2002, p. 33.](#)
- (3) Opinion of the European Parliament of 3 September 2002 ([OJ C 272 E, 13.11.2003, p. 343](#)), Council Common Position of 13 June 2003 ([OJ C 233 E, 30.09.2003, p.12](#)) and Position of the European Parliament of 9 October 2003 (not yet published in the Official Journal). European Parliament legislative resolution of 1 April 2004 and Council Decision of 30 March 2004.
- (4) [OJ C 65, 4.3.1996, p. 172.](#)
- (5) [OJ L 145, 31.5.2001, p. 43.](#)
- (6) [OJ L 373, 31.12.1991, p. 4.](#) Regulation as last amended by Regulation (EC) No 1592/2002 of the European Parliament and of the Council ([OJ L 240, 7.9.2002, p. 1](#)).
- (7) [OJ L 184, 17.7.1999, p. 23.](#)
- (8) [^{F2}[OJ L 129, 17.5.2006, p. 10.](#)]

Textual Amendments

- F2** Substituted by [Commission Directive 2008/49/EC of 16 April 2008 amending Annex II to Directive 2004/36/EC of the European Parliament and of the Council regarding the criteria for the conduct of ramp inspections on aircraft using Community airports \(Text with EEA relevance\).](#)