Basic information

2002/0014(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Air safety: third-country aircrafts using Community airports, SAFA programme Repealed by 2005/0228(COD) See also 2005/0008(COD) **Subject** 3.20.01.01 Air safety	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	MAES Nelly (V/ALE)	13/11/2003

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	MAES Nelly (V/ALE)	22/01/2002
RETT Regional Policy, Transport and Tourism	MAES Nelly (V/ALE)	22/01/2002

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	The committee decided not to give an opinion.	
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	The committee decided not to give an opinion.	
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
ENVI Environment, Public Health, Consumer Policy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Economic and Financial Affairs ECOFIN	2557	2004-01-20

	Justice and Home Affairs (JHA)	2574	2004-03-30
	Transport, Telecommunications and Energy	2499	2003-03-27
	Environment	2517	2003-06-13

European Commission	Commission DG	Commissioner
	Energy and Transport	

Key events

Date	Event	Reference	Summary
14/01/2002	Legislative proposal published	COM(2002)0008	Summary
17/01/2002	Committee referral announced in Parliament, 1st reading		
10/07/2002	Vote in committee, 1st reading		Summary
10/07/2002	Committee report tabled for plenary, 1st reading	A5-0265/2002	
03/09/2002	Decision by Parliament, 1st reading	T5-0395/2002	Summary
03/09/2002	Debate in Parliament		
26/11/2002	Modified legislative proposal published	COM(2002)0664	Summary
13/06/2003	Council position published	08478/1/2003	Summary
19/06/2003	Committee referral announced in Parliament, 2nd reading		
10/09/2003	Vote in committee, 2nd reading		Summary
10/09/2003	Committee recommendation tabled for plenary, 2nd reading	A5-0301/2003	
09/10/2003	Decision by Parliament, 2nd reading	T5-0422/2003	Summary
20/01/2004	Parliament's amendments rejected by Council		
27/01/2004	Report tabled for plenary, 3rd reading	A5-0125/2004	
04/02/2004	Formal meeting of Conciliation Committee		
04/02/2004	Final decision by Conciliation Committee		Summary
26/02/2004	Joint text approved by Conciliation Committee co-chairs	3616/2004	
30/03/2004	Decision by Council, 3rd reading		
31/03/2004	Debate in Parliament		
01/04/2004	Decision by Parliament, 3rd reading	T5-0261/2004	Summary
21/04/2004	Final act signed		
21/04/2004	End of procedure in Parliament		
30/04/2004	Final act published in Official Journal		

Technical information

Procedure reference	2002/0014(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2005/0228(COD) See also 2005/0008(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/20324

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0265/2002	10/07/2002	
Text adopted by Parliament, 1st reading/single reading		T5-0395/2002 OJ C 272 13.11.2003, p. 0031-0343 E	03/09/2002	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0301/2003	10/09/2003	
Text adopted by Parliament, 2nd reading		T5-0422/2003	09/10/2003	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0125/2004	27/01/2004	
Text adopted by Parliament, 3rd reading		T5-0261/2004 OJ C 103 29.04.2004, p. 0680-0788 E	01/04/2004	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	10068/2003	04/06/2003	
Council position	08478/1/2003 OJ C 233 30.09.2003, p. 0012-0023 E	13/06/2003	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2002)0008 OJ C 103 30.04.2002, p. 0351 E	14/01/2002	Summary
Modified legislative proposal	COM(2002)0664	26/11/2002	Summary
	SEC(2003)0717		

Commission communication on Council's position		17/06/2003	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2003)0674	13/11/2003	Summary
Follow-up document	C(2008)5265	24/09/2008	
Follow-up document	SEC(2008)2484	24/09/2008	
Follow-up document	COM(2009)0627	18/11/2009	Summary
Follow-up document	SEC(2009)1576	18/11/2009	
Follow-up document	COM(2011)0159	31/03/2011	Summary
Follow-up document	SEC(2011)0301	31/03/2011	
Follow-up document	COM(2012)0091	07/03/2012	Summary
Follow-up document	SWD(2012)0038	07/03/2012	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0841/2002 OJ C 241 07.10.2002, p. 0033	17/07/2002	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3616/2004	26/02/2004	
EU	Implementing legislative act	32006R0768 OJ L 134 20.05.2006, p. 0016-0018	19/05/2006	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Directive 2004/0036
OJ L 143 30.04.2004, p. 0076-0086 Summary

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 19/05/2006 - Implementing legislative act

ACT: Commission Regulation 768/2006/EC implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the collection and exchange of information on the safety of aircraft using Community airports and the management of the information system.

CONTENT: this Commission implementing Regulation has been enacted in accordance with provisions spelt out in Directive 2004/36/EC. To recap, Directive 2004/36/EC introduces a harmonised approach for the effective enforcement of international safety standards within the Community. It does so by harmonising the rules and procedures for ramp inspection of third-country aircraft landing at airports located in the Member States. Member States are required to undertake ramp inspections of third-country aircraft suspected of non-compliance with international safety standards and to exchange information relating to these inspections.

Until now, Member States have discharged their obligations through the “Safety Assessment of Foreign Aircraft” or SAFA, which is managed by the Joint Aviation Authorities (JAA). The management of SAFA entails overseeing the database as well as offering training to inspectors and personnel.

The purpose of this implementing Regulation is to transfer responsibility for managing SAFA from the JAA to the European Aviation Safety Agency. Such a move should contribute to strengthening the programme as well as guaranteeing its long-term continuation.

To this end, the following provisions apply:

- the Community SAFA system refers to the one set up by Directive 2004/36 for the collection, exchange and analysis of information on air safety of aircraft and of air operators;

- the European Aviation Safety Agency will manage and operate SAFA. Management obligations include, *inter alia*, organising information provided by third countries or international organisations, collecting data from the Member States, updating the existing databases, advising the Commission and Member States on the need for immediate actions and reporting potential safety problems to the Commission and Member States;

- the Member States must enter all of their ramp inspection reports, (including those not required under Directive 2004/36) into a centralised data base;

- the Agency will prepare a manual of ramp inspection procedures; it will develop training programmes relating to SAFA and it will facilitate and co-ordinate inspector exchange programmes;

- annually, the Agency must prepare a report on the Community SAFA system.

ENTRY INTO FORCE: 9 June 2006.

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 21/04/2004 - Final act

PURPOSE : to harmonise the rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States. LEGISLATIVE ACT : Directive 2004/36/CE of the European Parliament and of the Council on the safety of third-country aircraft using Community airports. CONTENT : In order to maintain a high uniform level of civil aviation safety in Europe, this Regulation introduces a harmonised approach to the effective enforcement of international safety standards within the Community. To that end, it harmonises the rules for ramp inspections of third-country aircraft landing at airports located in the Member States. Such a harmonised approach also avoids distortions of competition. The Regulation provides that aircraft landing in the Member States must undergo an inspection when it is suspected that they do not comply with international safety standards. 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 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 gives cause for concern about the operator or where a previous ramp inspection of an aircraft used by the same operator has revealed deficiencies. 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 will be carried out in a non-discriminatory way. Inspections may 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. Aircraft on which corrective measures are required will, where the identified deficiencies are clearly hazardous to safety, be grounded until the non-compliance with international safety standards has been rectified. 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. There are provisions in the Regulation for exchange of information between the Member States and with the Commission in order to ensure the most efficient monitoring of the compliance of third country aircraft with international safety standards. Due to the sensitive nature of safety-related information, the Regulation requires that Member States take necessary measuresto ensure appropriate confidentiality of the information received by them. Finally, there are provisions on the special arrangements for Gibraltar airport. DATE OF TRANSPOSITION : 30 April 2006. ENTRY INTO FORCE : 30/04/04.

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 13/11/2003 - Commission opinion on Parliament's position at 2nd reading

Of the five amendments adopted by the European Parliament at second reading, the commission accepts two in full, one in part and one in principle. It rejects one amendment. The amendments accepted in full relate to the following: - a two-year period for the transposition of the directive; - four years for the publication of a report by the Commission on the application of the directive. Furthermore, the Commission accepts the amendment which aims to give more specific requirements for the content of the annual public report on the inspection programme that the Commission will issue. However, the requirement that this report will be open to only one interpretation is not acceptable as interpretation is always subjective. The commission accepts in principle the amendment relating to redressing the weakening of its position when proposing measures against operators or States which do not apply international safety standards. However, it proposes a different form of wording in order to be consistent with the comitolgy procedure. Finally, the amendment relating to the European Safety Agency is rejected.

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 17/06/2003 - Commission communication on Council's position

The Commission agrees with the text of the common position adopted unanimously by the Council as it respects the essential principles of the original proposal. It also takes account to a large extent of the amendments adopted by the European Parliament on its first reading.

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 13/06/2003 - Council position

To recall, the text of the Commission proposal was greatly inspired by that of the common position which was reached by the Council in the framework of an earlier legislative procedure on the same subject that could eventually not be finalised because of the Gibraltar issue. Given this context, the Council could from the outset agree to several elements of the Commission proposal. On a few points, however, the Council decided to modify the text of this proposal, generally in order to make it simpler, clearer and easier to understand. The modifications often resulted from amendments presented by the European Parliament. Overall, the Council is of the opinion that the text of its common position is appropriate and balanced. With respect to the amendments proposed by the European Parliament in first reading, the Council observes that a large majority of these amendments have been integrated - to the letter or in spirit, partially or in full - in the common position. The Council holds therefore that the text of its common position ensures by and large that the aim sought by the amendments of Parliament is achieved. The main modifications operated by the Council are the following: - Article 1 (objective) and Article 2 (scope) have been merged in one single Article 1 (Scope and objective). The Council reinforced the provision according to which the Directive is 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 its airports in accordance with Community and international law (Article 1(2)). This modification allows Member States, in accordance with Community and international law, to continue to carry out safety checks regarding Community aircraft, without extending the scope of the Directive to such aircraft, which would encounter legal problems; - Article 4 (ramp inspection): a new paragraph allows Member States to 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, and provided that the spot-check procedure is carried out in a non-discriminatory way. This paragraph was inserted further to an amendment of the European Parliament, which was much welcomed by the Council; - Article 6 (protection and dissemination of information): - the first paragraph of Article 6 was brought in line with the text of Article 8 (1) of the Directive of the European Parliament and of the Council on occurrence reporting in civil aviation (2000/0343 COD), as it has been agreed on 9 April 2003 by the Conciliation Committee. The Member States have presented a statement for entering into the minutes of the Council meeting: the Member States agree that when exchanging information in application of Article 5, the Member State providing the information shall indicate to what extent the confidentiality of such information is protected under the rules of its national law. The member States receiving the information shall ensure that this information shall be given the same protection of confidentiality; - the second paragraph was changed so that, instead of the Member States publishing half yearly information to the public, it is now for the Commission to publish yearly an aggregatedinformation report available to the public containing an analysis of the information received; - the third paragraph, in which reference is made to Regulation 1049/2001/EC of the European Parliament and the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, is again largely inspired by the Directive on occurrence reporting in civil aviation, see Article 7(2) thereof. - Article 7 (Grounding of aircraft): the text of this Article was revised to better comply with international practice in this field; - Article 9 (Imposition of ban or conditions on operation): the Council decided to modify this Article in the sense that the Commission will have the possibility to issue a recommendation to the other Member States to extend a measure taken by one Member State against an operator or operators of a third country to the airports located in their respective territories. In the view of the Council, this modification is needed in order to assure a balanced division of responsibilities between the Commission and the Member States with respect to safety matters; - Article 11 (Implementation): the delay for implementation of the Directive has been extended from 2 years to 3 years. As regards the amendments of Parliament, the Council endeavoured to incorporate them to the greatest extent possible. However, in various cases it was impossible to integrate an amendment literally and to the full, because the relevant texts had been substantially modified or had even been deleted.

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 03/09/2002 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by its rapporteur Nelly MAES (Greens/EFA, Belgium) on third country aircraft using Community airports. (Please refer to the document dated 10/07/02.) Parliament pointed out that recent surveys have frequently shown third country aircrafts' flight manuals, radio navigation charts, global positioning systems, flight management systems and crew medical and type rating are not updated. Their load and trim sheets are not correct, and their life jackets, first-aid kits and fire extinguishers are allowed to pass their dates of use. Spot-check 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.

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 14/01/2002 - Legislative proposal

PURPOSE : to contribute to the improvement of air safety by assessing the safety of third countries aircraft using Community airports. CONTENT : with regard to the safety assessment of third countries, there is a general agreement on the need to set in place a system for assessing the levels of safety actually achieved by foreign carriers operating services to and from EU countries. The aim of this proposal is to set in the Community the legal framework for the introduction and the operational application of such a safety assessment of third countries aircraft while leaving enough margin to the Member States to build the corresponding mechanisms individually or collectively, for example within the JAA, as they see fit. Moreover, the need for such an initiative is further reinforced by the recent terrorist events in the United States of America. The purpose of the draft Directive shall be to contribute tothe improvement of the air safety by ensuring that : - information is collected and disseminated so that sufficient evidence can be established to decide on measures required to ensure the safety aof the travelling public as well as of people on the ground; - third-country aircraft, their operation and crew are inspected whenever there is reasonable suspicion that international safety standards are not being met and such aircraft are grounded if this is necessary to ensure immediate safety; - appropriate measures for rectification of identified shortcomings are decided and implemented. The international safety standards the respect of which is to be controlled are those contained in the Annexes to the Chicago Convention of 1944 to which all Member States are Parties. The Commission has ensured that its proposal is consistent with such international obligations of its Member States under the Chicago Convention by limiting mandatory inspections to aircraft operators for which there is indication of possible deficiencies and by avoiding to impose systematic random inspections which should be considered as contrary to the Convention.

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 01/04/2004 - Text adopted by Parliament, 3rd reading

The European Parliament adopted the joint text reached in the Conciliation Committee on safety rules for aircraft from non-EU countries using Community airports. (Rapporteur: Nelly MAES (Greens/EFA, B). (Please refer to the summary dated 27/01/04).

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 31/03/2011 - Follow-up document

This is the **fourth annual report** on the EU Safety Assessment of Foreign Aircraft (SAFA) programme covering the period 01 January to 31 December 2009.

Ever since its inception under the auspices of the European Civil Aviation Conference (ECAC) in association with the Joint Aviation Authorities (JAA) back in 1996, the SAFA programme has increasingly proven to be a vanguard in enhancing European, and indeed international, aviation safety.

Within the framework of the Community's overall strategy to establish and maintain a high uniform level of civil aviation safety in Europe, on 21 April 2004 the Community adopted Directive 2004/36/EC of the European Parliament and of the Council on the safety of third-country aircraft using Community airports (the so-called 'SAFA Directive'). This Directive introduced a legal obligation upon EU Member States to perform ramp inspections upon third country aircraft landing at their airports. In addition and following a decision by the Directors General of ECAC member states, the SAFA programme was transferred under European Community competence where as of 1 January 2007, responsibility for the management and further development of the EU SAFA programme falls upon the European Commission assisted by the European Aviation Safety Agency (EASA). EASA is a European Commission agency based in Cologne which is responsible for the operational management of the EU SAFA programme. Until 2006 the operational elements of the SAFA programme were implemented by the Central Joint Aviation Authorities (CJAA). At the end of 2006 the SAFA

coordination activities including the centralised database have been transferred from CJA A to EASA. The continued participation of the fifteen non-EU ECAC Member States, and thus the pan-European dimension of the programme, has been assured through the signature of a Working Arrangement between each of these individual States and EASA. Including the EU-27 therefore, the EU-SAFA programme boasts a total of 42 participating States.

This report constitutes a clear evidence of EU's efforts in making European skier safer. The main findings are as follows:

Progress of the programme during 2009: during 2009, efforts were also undertaken to **improve the functioning of the EU SAFA programme**, in particular through the: (i) issuing and publication of a second set of detailed Guidance Material on Ramp Inspection Procedures; (ii) continuation of a number of initiatives started in 2007, for example the database quality review of reports entered by participating States in the SAFA database and the database analysis; (iii) opening of negotiations with various aviation authorities around the world aiming at enlarging the participation in the EU SAFA programme while maintaining a high level of standardisation and harmonisation; (iv) starting a Standardisation programme to ensure that all SAFA inspections are done in a standardised manner in all SAFA participating States.

Introduction of a risk-based approach: Commission Regulation (EC) No 351/2008 introduces the concept of prioritisation of SAFA inspection from a pan-European perspective whereby participating States are required to prioritise a portion of their ramp inspections on certain subjects (either operators or all the operators certified in a certain state).

The prioritisation list is compiled by the European Commission and updated regularly whenever the need arises according to the set of criteria established under the said Regulation.

During 2009, out of a total 11 349 SAFA inspections, 2253 (19.85%) were conducted on subjects indicated in the prioritisation list.

Inspections: during 2009 a record number of inspections has been reached and covered a higher number of operators when compared to previous years. Out of 11 349 inspections, 9462 (83.4%) were performed by EU member states. 47.9% (5432) were performed on operators licensed in third countries while the remainder 52.1% (5917) were conducted on EU operators.

As a result, the programme has become a **better tool** to identify potential negative safety trends worldwide, contributing as well as in real-time to the safe operation of the inspected aircraft.

Inspection findings and their categories: the five years evolution shows that the average number of findings (per inspection) has **decreased** for all geographic regions:

- operators from States in the EU, ECAC and Oceania have fewer findings per inspection than average;
- for all regions the ratio Findings/Inspections shows an improvement. Although the ESAF region appears to have the largest improvement this is caused by the fact that more than half of the inspections on operators from this region were carried on the Angolan carrier TAAG (163 inspections). TAAG was included in 2007 in the Community list of banned carriers. In 2009 TAAG was allowed to partially restart the operations into the European Union (with specific aircraft and only to Lisbon, Portugal) under the condition that every flight should be inspected by the Portuguese authorities;
- the ratio Findings/Inspections shows the greatest improvement for the African region, although this is influenced by the very high number of inspections (163) on the Angolan carrier TAAG; those inspections were imposed after the partial removal of this carrier from the Community List of banned carriers;
- operators from States belonging to the EUR (European and North Atlantic) have fewer findings per inspection than average;
- operators from States belonging to the MID (Middle East), SAM (South America), WACAF (Western and Central Africa), NACC (North Amercia, Central Amercia and the Caribbean), APAC (Asian and Pacific) and ESAF (Eastern and Souther Africa) have more findings per inspection than average.

Actions taken pursuant to ramp inspections: based on the category, number and nature of the findings, several actions may be taken.

Out of 11 349 inspections carried out in 2009, the report notes 95 restrictions on aircraft operations, 1358 corrective actions before flight authorisation and 10 aircraft grounded as well as 1 immediate operating ban.

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 26/11/2002 - Modified legislative proposal

The Commission's amended proposal accepts 13 out of the 19 amendments proposed by the European Parliament. These amendments aim to: - emphasise that Union is not asking from third countries what the Community is not already doing itself; - emphasise that monitoring of safety standards is necessary for all aircraft; - emphasise that the effectiveness of ramp inspections is guaranteed by the application of uniform methods; - emphasise that Community action is not aimed at third countries as such but at aircraft - from third countries - that fail to comply with internationally agreed safety standards; - introduces the concept of spot-checks procedure. This procedure is already applied in practice by several Member States; - increased monitoring of aircraft or airlines previously deficient; - ensuring that best use is made of existing safety data; - emphasises that this directive and the creation of the European Air Safety Agency will take due account of existing procedures and knowledge. In the original proposal, ramp inspections could only be carried out if an aircraft was suspected of non-compliance with international safety standards. The modified wording allows that spot-checks are also carried out, providing they are non-discriminatory. In order to avoid that documents published may lead to misinterpretation which could be detrimental to the reputation of the parties involved, a sentence has been added to ensure that technical information are presented in a comprehensible way. A new sentence is also added to inform the public of the action taken on its complaints by the authorities. A new sub-sentence was added to be more precise regarding possible measures to improve safety in the originating countries.

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 09/10/2003 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution drafted by Nelly MAES (Greens/EFA, Belgium) and made some amendments to the common position. (Please see the summary of 10/09/03.)

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 18/11/2009 - Follow-up document

The Commission presents this third annual report on the EC SAFA Programme pursuant to the provisions of Directive 2004/36/EC. The report covers the period 01 January to 31 December 2008.

To recall, Directive 2004/36/EC on the safety of third-country aircraft using Community airports (the 'SAFA Directive') created a legal obligation upon EU Member States to perform ramp inspections upon third country aircraft landing at their airports, although the Directive does not in any way prohibit EU Member States from inspecting aircraft from other EU Member States. Including the EU-27, the EC-SAFA programme boasts a total of 42 participating States.

The main points dealt with in this report are as follows:

Development of the programme in 2008: the Commission adopted two important legislative measures aimed at further strengthening the EC SAFA Programme:

- Commission Directive 2008/49/EC containing the core elements of the SAFA Procedures Manual and providing for harmonised rules for the conduct of SAFA inspections including: follow-up actions, mandatory reporting timeframe (15 working days) and the mandatory communication of the results of the inspection to the inspected operators through the delivery of a Proof of Inspection according to a common format. In addition, the Directive introduces a common set of criteria for the qualification of SAFA inspectors;
- Commission Regulation (EC) No 351/2008 implementing a structured, pan- European approach to the prioritisation of SAFA ramp inspections on potentially unsafe subjects, aimed at fostering a better utilisation of the available inspecting resources. As required under Commission Directive 2008/49/EC, the European Aviation Safety Agency (EASA) has issued detailed Guidance Material for the qualification SAFA ramp inspectors setting standards which are common across all participating States.

A number of initiatives started in 2007 have continued in 2008, becoming regular standard activities under the EC SAFA Programme, such as the quality review of reports entered by participating States in the SAFA database and the database analysis. Conducted on a four-monthly basis, this analysis attempts to identify as early as possible potentially negative safety concerns and trends in order that they may be addressed in a timely manner before indeed becoming a threat to international aviation safety. In October 2008 a major upgrade of the SAFA database was deployed, allowing for improved reporting, support for monitoring of the prioritisation process (established under Commission Regulation (EC) No 351/2008) and improved workflows.

Introduction of a risk-based approach: Commission Regulation (EC) No 351/2008 introduces the concept of prioritisation of SAFA inspection from a pan-European perspective whereby participating States are required to prioritise a portion of their ramp inspections on certain subjects (either individual operators or all the operators certified in a certain state). The prioritisation list is compiled by the European Commission and updated whenever the need arises according to the set of criteria established under the said Regulation. The first prioritisation list was issued on 20 April 2008 and was subsequently reviewed twice during that same year. During 2008, out of a total 10,337 SAFA inspections 1,481 were conducted on subjects indicated in the prioritisation list.

Inspections: in 2008 the SAFA Participating States performed a record 10,337 inspections which revealed some 11,298 findings. The report describes the areas of inspection under the SAFA Directive and lists the states of operator, aircraft types and operators inspected during the year 2008. It highlights the wide coverage of the EC SAFA Programme and its non-discriminatory application. Out of the 10,337 inspections conducted during 2008, 9,040 were performed by EU Member States: 42.7% (3,857) were performed on operators certified in third (non-EU) countries while the remaining 57.3% (5,183) were conducted on EU operators. In 2008, third country operators performed some 700,000 landings in the Community airports implying an inspection rate of approximately 0.5% (i.e. 5 inspections for every 1,000 landings). Landings of EU operators in another EU state (other than the one responsible for their safety oversight) amounted to more than 2,900,000, implying an inspection rate of 0.17% for EU operators.

Findings: the report discusses the three categories of findings. A “Category 1” finding (minor); “Category 2” (significant finding) and “Category 3” (a major finding). For 2008, **18.46% of findings were category 3.** Operators from States in the EU, the European Civil Aviation Conference (ECAC) and Oceania have fewer findings per inspection than average. Operators from Africa, the Russian Federation/Belarus/Central Asia group, Asia, the Middle East, North America and North Africa have more findings per inspection than average. The five years evolution shows that the average number of findings (per inspection) has decreased for almost all geographic regions, most notably for operators licensed in the Russian Federation, Belarus and Central Asian states (CIS). The only exception is Latin America and Caribbean (LAC).

Action: the report describes the actions that may be taken after ramp inspection. In order to achieve best the objectives of the EC SAFA Programme, close cooperation with the Civil Aviation Authorities of all those States whose operators and aircraft have been subject of SAFA inspections is

imperative. Out of 10,337 in 2008, there were 11,298 findings. There were 109 restrictions on aircraft operation, and 1407 corrective actions before flight authorisation. 14 aircraft were grounded and an immediate operating ban was introduced on 10 occasions. This number does not include bans /operational restrictions imposed by the EC pursuant to Regulation (EC) No 2111/2005.

Air safety: third-country aircrafts using Community airports, SAFA programme

2002/0014(COD) - 07/03/2012 - Follow-up document

In accordance with the requirements of Directive 2004/36/EC, the Commission presents its fifth annual report on the EU Safety Assessment of Foreign Aircraft (SAFA) programme. This programme requires participating States to conduct ramp inspections on third country aircraft to verify compliance of aircraft, crew and operations with international safety requirements. The report covers the period 1 January to 31 December 2010.

Progress of the programme during 2010: a new development during 2010 was the **agreement for the introduction (as of 2011) of a number of inspection points** to be reached on a voluntary basis by each SAFA state. These national inspection points are calculated taking into account the diversity and volume of foreign traffic. Inspections are also valued differently pursuant to the compliance of various criteria which are directly linked to the enhancement of safety (prioritised inspection, distance from the head office, time of the inspection).

A number of initiatives started in 2007 also continued in 2010. These are the preparation by EASA of a database quality review of the reports of the participating States. Conducted on a four-monthly basis this EASA analysis attempts to identify as early as possible potentially negative safety concerns and trends in order that they may be addressed in a timely manner before becoming a threat to international aviation safety. During 2010, the Commission continued to use the conclusions of these reports to prepare its decisions on the inclusion of air carriers in the European safety list under Regulation (EC) No 2111/2005.

In addition, during the year 2010 and pursuant to the request of the Commission, EASA continued its negotiations with various aviation authorities of countries around the world with the view of enlarging the participation in the EU SAFA system.

Given the collective nature of the EU SAFA Programme, it is therefore extremely important that all SAFA inspections are done in a standardised manner in all SAFA Participating States. In 2010 EASA has pursued its Standardisation Programme in line with Commission Regulation (EC) No 736 /2006. In particular, 24 audits were performed in: Albania, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, FYROM, Greece, Hungary, Ireland, Norway, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, Turkey, Ukraine and the United Kingdom.

Lastly, as tasked under Commission Directive 2008/49/EC6, EASA continued with the review of the second set of detailed Guidance Material on Ramp Inspection Procedures which were published in 2009.

Prioritisation of inspections: Commission Regulation (EC) No 351/20087 introduces the concept of prioritisation of SAFA inspection from a pan-European perspective. Participating States are required to prioritise a portion of their ramp inspections on certain operators. During 2010, out of a total 11,703 SAFA inspections, 2,215 (18.9%) were conducted on operators indicated in the prioritisation list.

Inspections: out of 11,703 inspections, 9,798 (83.4%) were performed by EU Member States 48.8% (5,713) were performed on operators licensed in third countries while the remainder 51.2% (5,990) were conducted on EU operators. These figures highlight in particular the wide coverage of the EU SAFA programme and its non-discriminatory application on EU and non-EU operators.

Inspection findings: the average findings/inspection ratio increased by 13% in 2010. This increase appears to be a direct consequence of the legislative instruments adopted in 2008 (namely the Commission Regulation 351/2008/EC on the prioritisation of ramp inspections and Commission Directive 2008/49/EC introducing more detailed procedural elements), the publication by EASA of a very comprehensive Guidance Material and its application by the participating states as well as the launching by EASA of a SAFA Standardisation programme. All these measures have contributed to better inspections being carried out in the 42 SAFA Participating States.

The report also shows that although the average number of findings (per inspection) increased in 2010, the five-year trend is decreasing for all geographic regions. It notes that:

- operators from States in the EU, ECAC and Oceania have fewer findings per inspection than average.
- although in 2009 the average for African operators showed the greatest improvement this trend was reversed in 2010 when figures show the greatest increase for the average ratio of African operators.

Action taken pursuant to ramp inspections: the report shows that the following actions were taken:

- information to the authority & the operator: 4,108
- restriction on aircraft operation: 120
- corrective actions before flight authorisation: 1,922
- 12 aircraft were grounded, and there were no immediate operating bans, not including bans/operational restrictions imposed by the EC pursuant to Regulation (EC) No 2111/2005 EC.

The report also shows the **wide coverage of the EU SAFA programme and its non- discriminatory application on EU and non-EU operators**. As a result of these improvements, the programme has become a better tool to identify potential negative safety trends worldwide, contributing as well as in real-time to the safe operation of the inspected aircraft.

The results of EASA regular analysis on the reports showing serious safety deficiencies or persistent failure by the carrier to address deficiencies identified by ramp inspections performed under the SAFA programme continued to be used by the Commission for the preparation during 2010 of the Community list of air carriers subject to an operating ban within the Community as provided for under Regulation (EC) No 2111/2005.