

Pursuant to Article 265 and in conjunction with Article 169 of the Air Transport Law ("RS Official Gazette " No 73 /10) Managing Board of the Civil Aviation Directorate of the Republic of Serbia hereby adopts

REGULATION ON SAFETY ASSESSMENT OF FOREIGN AIRCRAFT

Article 1

Subject matter

This Regulation shall govern:

- the procedures for assessment of third- country aircraft landing at Member States airports;
- conditions under which third- country aircraft are grounded or third-country operators prohibited from landing due to safety reasons;
- carriers from third countries subject to an operating ban within the European Union ;
- establishing and publication in the Official Journal of the European Union of the list of carriers subject to an operating ban within the European Union based on common standards and an updated list;
- informing passengers on the identity of the actual air carrier in their flight;
- collecting and exchanging data on safety of third-country aircraft using the airports in the European Union.

Article 2

Transposing guidelines and regulations of the European Union

This regulation, with the adjustment to the legislation of the Republic of Serbia, transposes the following:

1. Directive of the European Parliament and of the Council 2004/36/EC of 21 April 2004 of safety of third-country aircraft using Community airports;
2. Regulation of the European Parliament and Council Regulation (EC) No 2111/2005 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;
3. Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005;
4. Commission Regulation (EC) No 768/2006 of 19 May 2006 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;
5. Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council;

6. Commission Regulation (EC) No 351/2008 of 16 April 2008 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the prioritisation of ramp inspections on aircraft using Community airports.
7. Directive 2004/36/EC is transposed as a revised text developed by the Civil Aviation Directorate of the Republic of Serbia and it includes:
8. Directive of the European Parliament and of the Council 2004/36/EC of 21 April 2004 of safety of third-country aircraft using Community airports;
9. Regulation of the European Parliament and Council Regulation (EC) No 2111/2005 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;
10. 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;
11. Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Four;
12. 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 shall be transposed as the consolidated version prepared by the Civil Aviation Directorate of the Republic of Serbia comprising:
13. 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 ;
14. Regulation (EC) No 596/2009 of the European Parliament and of the Council of 18 June 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Four;
15. The consolidated version of the Directive 2004/36/EC is set out in Appendix 1 to this Regulation;
16. The consolidated version of the Regulation (EC) No 2111/2005 is set out in Appendix 2 to this Regulation;
17. Regulation (EC) No 473/2006 set out the Appendix 3 to this Regulation;
18. Regulation (EC) No 768/2006 set out in Appendix 4 to this Regulation;
19. Regulation (EC) No 474/2006 set out in Appendix 5 to this Regulation;
20. Regulation (EC) No 351/2008 set out in Annex 6 to this Regulation.

Article 3

Definitions

- 1) "ECAA Agreement" means the Multilateral Agreement between the European Community and its Member States, Albania, Bosnia and Herzegovina, Bulgaria, Republic of Croatia, the former Yugoslav Republic of Macedonia, Iceland, Republic of Montenegro, Norway, Romania, Republic of Serbia and the United Nations Interim Administration in Kosovo (in accordance with Security Council resolution UN Security Council Resolution 1244 of 10 June 1999) on the establishment of a European Common Aviation Area.
- 2) "EASA" means the European Aviation Safety Agency.
- 3) "ICAO" means the International Civil Aviation Organization.
- 4) "SAFA program" (Safety Assessment of Foreign Aircraft - SAFA) means a program of the European Union on the safety assessment of foreign aircraft .
- 5) "Chicago Convention" means the Convention on International Civil Aviation and the Annexes to the Convention, which was signed in Chicago on 7 December in 1944.
- 6) "Community" , "Community legislation " , " Treaty establishing the European community " (the Agreement) , "Official Journal of the European Union", "Community airport" and "Member State" used in the Annexes to this Regulation shall be interpreted in accordance with paragraphs 2 and 3 of Annex II of the ECAA Agreement and relevant provisions of the Lisbon Treaty, which amending the Treaty on European Union and the Treaty establishing the European Community .
- 7) "Competent authority", "National Authority " , "competent authority conducting aircraft ramp check "and "aviation regulatory authority" in this Regulation shall be interpreted as the Civil Aviation Directorate of the Republic of Serbia.

Article 4

Powers of the Director of Civil Aviation Directorate of the Republic of Serbia

Director of the Civil Aviation Directorate of the Republic of Serbia shall be empowered to publish in the "Official Gazette of the Republic of Serbia" a list of air carriers subject to operating ban within the European Union, which represents Annex A and Annex B of the Appendix 5 of this Regulation , i.e. the Regulation (EC) No 474/2006.

Article 5

Final Provisions

By coming into force of this Regulation, the Regulation on safety assessment of foreign aircraft (Official Gazette of the Republic Serbia No 1 /10) shall be repealed.

Article 6

This Regulation shall enter into force on the day of its publication in the "Official Gazette of the Republic of Serbia".

No 1/0-01-0004/2010-0003

In Belgrade, 21 December 2010

Managing Board

President

Milutin Mrkonjić

ANNEX 1

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

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.

Article 2

Definitions

For the purpose of this Regulation:

- (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;
- (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

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 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.

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, measures for the dissemination to interested parties of the information referred to in paragraph 1 and the associated conditions. Those 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,

The individual measures shall be adopted in accordance with the advisory procedure referred to in Article 10(3).

The general measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(4).

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

(a) in accordance with the regulatory procedure referred to in Article 10

(2), take any appropriate measures to facilitate the implementation of Articles 3, 4 and 5, such as:

— define the format for the storage and dissemination of data,

— create or support the appropriate bodies for managing or

operating the tools necessary for the collection and exchange of information,

(b) detail conditions for conducting ramp inspections, including systematic ones, and establish the list of information to be collected. Those measures, designed to amend non-essential elements of this Directive by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(4).

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.

Article 9

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Article 10

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. Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

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.

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

The Commission may amend the Annexes to this Directive. Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(4).

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 date of its publication in the Official Gazette of the European Union.

ANNEX I

CIVIL AVIATION DIRECTORATE
REPUBLIC OF SERBIA

S A F A

Standard Report

¹ No.

² Source: SR

³ Date:

² (Unused)

⁴ Place:

⁵ Operator:

⁶ State:

⁷ AOC Number:

⁸ Route: from

¹¹ Route: to

⁹ Flight number:

¹² Flight number:

¹³ Chartered by Operator*

* (where applicable)

¹⁴ Charterer's State:

¹⁵ Aircraft Type

¹⁶ Registration marks:

¹⁷ Construction number:

¹⁸ Flight crew: State of Licensing:

¹⁹ Remarks:

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

²⁰ Action taken:

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

²¹ (Unused)

²² National Coordinator's name

²³ Signature

ANNEX II

Manual of EC SAFA ramp inspection procedures — Core elements

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.

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.

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 (1).

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 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.

Appendix 1

SAFA Ramp Inspection Report

CIVIL AVIATION DIRECTORATE
REPUBLIC OF SERBIA
SAFA
Ramp Inspection Report
No. CAD - 20__ - 00__

Source: RI Place: _____
Date: _____
Local time: _____

Operator: _____ AOC Number: _____
State: _____ Type of Operation: _____

Route from: _____ Flight Number: _____
Route to: _____ Flight Number: _____

Chartered by Operator*: _____
* (where applicable) Charterer's State: _____

Aircraft Type: _____ Registration mark: _____
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: _____ Detailed Description: _____

X(d) Immediate operating ban
 X(c) Aircraft grounded by inspecting NAA
 X(b) Corrective action before flight
 X(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.

**CIVIL AVIATION DIRECTORATE
REPUBLIC OF SERBIA**

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/floatation 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"/>

Appendix 2

Proof of inspection form

Proof of inspection CAD - 20__ - __					
Date:		Time:		Place:	
Operator:		State:		AOC No:	
Route from:		Flight No.:		Route to:	
Flight type:		Chartered by Operator:		Aircraft type:	
Aircraft configuration:		Registration mark:		Construction No:	
Flight crew status(s) of issuing:		Acknowledgement of Receipt(*)		CIVIL AVIATION DIRECTORATE OF THE REPUBLIC OF SERBIA Bulevar Zorana Djindjica 144 11070 Belgrade SERBIA Tel.: +381 11 311 7347 Fax: +381 11 311 7518	
None:		Signature:			
Function:					
Check/Remark		Check/Remark		Check/Remark	
A Flight deck		Flight crew		C Aircraft condition	
1 General condition		10 Flight crew license		1 General external condition	
2 Emergency exit		Journey log book / Tech. log or equivalent		2 Doors and hatches	
3 Equipment		21 Journey log book or equivalent		3 Flight controls	
Documentation		22 Maintenance release		4 Wheels, tires and brakes	
4 Manuals		23 Defect notif. & rectif. rec. Tech Log		5 Undercarriage, skids/boots	
5 Checklists		24 Pre-flight inspection		6 Wheel well	
6 Radio navigation charts		II Safety / Cabin		7 Powerplant and pylon	
7 Minimum equipment list		1 General external condition		8 Fan blades	
8 Certificate of registration		2 Cabin stand st. and crewed area		9 Propellers, Rotors, quantities	
9 Noise certificate (where applicable)		3 Flat surface / Emerg. read-out		10 Obvious repairs	
10 AOC or equivalent		4 Hand fire extinguishers		11 Obvious unrepaired damage	
11 Radio license		5 Life jackets/Flotation devices		12 Leakage	
12 Certificate of Airworthiness		6 Seat belt and seat condition		D Cargo	
Flight data		7 Emerg. exit, light, and marking Tatches		1 General condition of cargo compartment	
13 Flight preparation		8 Stairs/Life Rafts (as required, ELT)		2 Dangerous goods	
14 Weight and balance sheet		9 Oxygen Supply (Cabin crew & Pass)		3 Battery of cargo on board	
Safety equipment		10 Safety instructions		E Substanc	
15 Hand fire extinguishers		11 Cabin crew members		1 General	
16 Life jacket/flotation devices		12 Access to emergency exits			
17 Harness		13 Safety of passenger baggage			
18 Oxygen equipment		14 Seat capacity			
19 Flash light					
Actions Taken		Item		Remarks	
<input type="checkbox"/> (3a) Aircraft grounded by inspecting NAA <input type="checkbox"/> (3b) Corrective actions before flight <input type="checkbox"/> (3c) Restrictions on the aircraft operation <input type="checkbox"/> (2) Information to the authority and operation <input type="checkbox"/> (1) Information to the captain <input type="checkbox"/> (0) No remarks					
Inspector(s) sign or number					
(*) 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 at place indicated on this document. This report represents an indication of what was found on the 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 correctness upon entering into the SAFA database.					
CAD-SAFA-001		Rev. No. 8			

ANNEX II

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

CHAPTER I

GENERAL PROVISIONS

Article 1 **Subject matter**

1. This Regulation establishes rules:

- (a) on the establishment and publication of a Community list, based on common criteria, of air carriers which, for safety reasons, are subject to an operating ban in the Community;
- (b) on informing air passengers of the identity of the air carrier operating the flights on which they travel.

Article 2 **Definitions**

For the purpose of this Regulation, the following definitions shall apply:

- (a) ‘air carrier’ means an air transport undertaking with a valid operating licence or equivalent;
- (b) ‘contract of carriage’ means a contract for or including air transport services, including one where the carriage is composed of two or more flights operated by the same or different air carriers;
- (c) ‘air carriage contractor’ means the carrier which concludes a contract of carriage with a passenger or, where the contract comprises a package, the tour operator. Any ticket seller shall also be deemed an air carriage contractor;
- (d) ‘ticket seller’ means the seller of an air ticket who arranges a contract of carriage with a passenger, whether for a flight on its own or as part of a package, other than an air carrier or a tour operator;
- (e) ‘operating air carrier’ means an air carrier that performs or intends to perform a flight under a contract of carriage with a passenger, or on behalf of another person, legal or natural, having a contract of carriage with that passenger;
- (f) ‘operating authorisation or technical permission’ means any legislative or administrative act by a Member State, which provides either that an air carrier may operate air services to and from its airports or that an air carrier may operate in its airspace or that an air carrier may exercise traffic rights;
- (g) ‘operating ban’ means the refusal, suspension, revocation or restriction of an air carrier’s operating authorisation or technical permission for safety reasons, or any equivalent safety measures in respect of an air carrier which has no traffic rights in the Community but whose aircraft might otherwise be operated in the Community under a lease agreement;

- (h) ‘package’ means those services defined in Article 2(1) of Directive 90/314/EEC;
- (i) ‘reservation’ means the fact that the passenger has a ticket or other proof, which indicates that the reservation has been accepted and registered by the air carriage contractor;
- (j) ‘relevant safety standards’ means the international safety standards contained in the Chicago Convention and its Annexes as well as, where applicable, those in relevant Community law.

CHAPTER II

COMMUNITY LIST

Article 3

Establishment of the Community List

1. With a view to reinforcing air safety, a list of air carriers that are subject to an operating ban in the Community (hereinafter referred to as the Community list) shall be established. Each Member State shall enforce, within its territory, the operating bans included in the Community list in respect of the air carriers that are the subject of those bans.
2. The common criteria for imposing an operating ban on an air carrier, which shall be based on the relevant safety standards, are set out in the Annex (and are hereinafter referred to as the common criteria). The Commission may modify the Annex, in particular in order to take account of scientific and technical developments. Those measures, designed to amend non-essential elements of this Regulation, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 15(4).
3. For the purpose of establishing the Community list for the first time, each Member State shall, by 16 February 2006, communicate to the Commission the identity of the air carriers that are subject to an operating ban in its territory, together with the reasons which led to the adoption of such bans and any other relevant information. The Commission shall inform the other Member States of these operating bans.
4. Within one month of receiving the information communicated by the Member States, the Commission shall, on the basis of the common criteria, decide on the imposition of an operating ban on the air carriers concerned and shall establish the Community list of air carriers on which it has imposed an operating ban, in accordance with the procedure referred to in Article 15(3).

Article 4

Updating of the Community list

1. The Community list shall be updated:
 - (a) to impose an operating ban on an air carrier and include this air carrier on the Community list, on the basis of the common criteria;
 - (b) to remove an air carrier from the Community list, if the safety deficiency or deficiencies that gave rise to the inclusion of the air carrier on the Community list have been remedied and there is no other reason, on the basis of the common criteria, to maintain the air carrier on the Community list;
 - (c) to modify the conditions of an operating ban imposed on an air carrier which is included on the Community list.

2. The Commission, acting on its own initiative or at the request of a Member State, shall decide to update the Community list as soon as this is required under paragraph 1, in accordance with the procedure referred to in Article 15(3) and on the basis of the common criteria. At least every three months, the Commission shall verify whether it is appropriate to update the Community list.

3. Each Member State and the European Aviation Safety Agency shall communicate to the Commission all information that may be relevant in the context of updating the Community list. The Commission shall forward all relevant information to the other Member States.

Article 5

Provisional measures for updating of the Community list

1. Where it is evident that the continued operation of an air carrier in the Community is likely to constitute a serious risk to safety, and that such a risk has not been resolved satisfactorily by means of urgent measures taken by the Member State(s) concerned in accordance with Article 6(1), the Commission may provisionally adopt the measures referred to in Article 4(1)(a) or (c), in accordance with the procedure referred to in Article 15(2).

2. As soon as possible, and at most within 10 working days, the Commission shall submit the matter to the Committee referred to in Article 15(1) and shall decide to confirm, amend, revoke or extend the measure which it has adopted under paragraph 1 of this Article, acting in accordance with the procedure referred to in Article 15(3).

Article 6

Exceptional measures

1. In cases of urgency, this Regulation shall not preclude a Member State from reacting to an unforeseen safety problem by imposing an immediate operating ban in respect of its own territory, taking into account the common criteria.

2. A decision by the Commission not to include an air carrier in the Community list in accordance with the procedure referred to in Article 3(4) or 4(2) shall not preclude a Member State from imposing or maintaining an operating ban on the air carrier concerned in view of a safety problem specifically affecting that Member State.

3. In either of the situations referred to in paragraphs 1 and 2, the Member State concerned shall immediately inform the Commission, which shall inform the other Member States. In the situation referred to in paragraph 1, the Member State concerned shall without delay submit a request to the Commission to update the Community list, in accordance with Article 4(2).

Article 7

Rights of defence

The Commission shall ensure that, when it adopts decisions as referred to in Articles 3(4), 4(2) and 5, the air carrier concerned is given the opportunity of being heard, taking into account the need, in some cases, for an urgency procedure.

Article 8

Implementing measures

1. The Commission shall, where appropriate, adopt implementing measures in order to lay down detailed rules in respect of the procedures referred to in this Chapter. Those measures,

designed to amend non-essential elements of this regulation by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 15(4).

2. In deciding these measures the Commission shall take due account of the need for decisions to be taken swiftly on updating the Community list and shall, where appropriate, provide the possibility of an urgency procedure.

Article 9 Publication

1. The Community list and any modification thereto shall be published immediately in the Official Journal of the European Union.

2. The Commission and the Member States shall take the measures necessary to facilitate public access to the Community list, as most recently updated, in particular through the use of the Internet.

3. Air carriage contractors, national civil aviation authorities, the European Aviation Safety Agency and airports in the territory of the Member States shall bring the Community list to the attention of passengers, both via their websites and, where relevant, in their premises.

CHAPTER III

INFORMATION TO PASSENGERS

Article 10 Scope

1. The provisions of this Chapter shall apply in respect of the carriage of passengers by air, where the flight is part of a contract of carriage and that carriage started in the Community, and

(a) the flight departs from an airport on territory of a Member State to which the Treaty applies;

or

(b) the flight departs from an airport in a third country and arrives at an airport on territory of a Member State to which the Treaty applies;

or

(c) the flight departs from an airport in a third country and arrives at another such airport.

2. The provisions of this Chapter shall apply whether the flight is scheduled or non-scheduled and whether the flight is part of a package or not.

3. The provisions of this Chapter shall not affect the rights of passengers under Directive 90/314/EEC and Regulation (EEC) No 2299/89.

Article 11 Information on the identity of the operating air carrier

1. Upon reservation, the air carriage contractor shall inform the passenger of the identity of the operating air carrier or carriers, whatever the means used to make the reservation.

2. Where the identity of the operating air carrier or carriers is not yet known at the time of reservation, the air carriage contractor shall ensure that the passenger is informed of the name or names of the air carrier or carriers that is or are likely to act as operating air carrier or carriers on the flight or flights concerned. In such case, the air carriage contractor shall ensure that the passenger is informed of the identity of the operating air carrier or carriers as soon as such identity is established.
3. Wherever the operating air carrier or carriers is or are changed after reservation, the air carriage contractor shall, irrespective of the reason for the change, take immediately all appropriate steps to ensure that the passenger is informed of the change as soon as possible. In all cases, passengers shall be informed at check-in, or on boarding where no check-in is required for a connecting flight.
4. The air carrier or the tour operator, as the case may be, shall ensure that the relevant air carriage contractor is informed of the identity of the operating air carrier or carriers as soon as this is known, in particular in the event of a change of such identity.
5. If a ticket seller has not been informed of the identity of the operating air carrier, it shall not be responsible for not complying with the obligations provided for in this Article.
6. The obligation of the air carriage contractor to inform passengers of the identity of the operating air carrier or carriers shall be specified in the general terms of sale applicable to the contract of carriage.

Article 12

Right to reimbursement or re-routing

1. This Regulation shall not affect the right to reimbursement or re-routing as provided for in Regulation (EC) No 261/2004.
2. In cases where Regulation (EC) No 261/2004 does not apply, and
 - (a) the operating air carrier notified to the passenger has been entered on the Community list and is subject to an operating ban which has led to the cancellation of the flight concerned, or which would have led to such cancellation if the flight concerned had been operated in the Communityor
 - (b) the operating air carrier notified to the passenger has been replaced by another operating air carrier which has been entered on the Community list and is subject to an operating ban which has led to the cancellation of the flight concerned, or which would have led to such cancellation if the flight concerned had been operated in the Community,
2. the air carriage contractor which is party to the contract of carriage shall offer the passenger the right to reimbursement or re-routing provided for in Article 8 of Regulation (EC) No 261/2004, provided that, where the flight has not been cancelled, the passenger has chosen not to take that flight.
3. Paragraph 2 of this Article shall apply without prejudice to Article 13 of Regulation (EC) No 261/2004.

Article 13

Penalties

Member States shall ensure compliance with the rules set out in this Chapter and shall lay down penalties for infringement of these rules. The penalties shall be effective, proportionate and dissuasive.

CHAPTER IV

FINAL PROVISIONS

Article 14

Information and amendment

By 16 January 2009, the Commission shall report to the European Parliament and to the Council on the application of this Regulation. The report shall be accompanied, where necessary, by proposals for the amendment of this Regulation.

Article 15

1. The Commission shall be assisted by the Committee referred to in Article 12 of Regulation (EEC) No 3922/91 (hereinafter referred to as the Committee).

2. 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.

3. 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 referred to in Article 5(6) of Decision 1999/468/EC shall be set at three months.

4. Where reference is made to this paragraph, Article 5a(1) to (4) and (5)(b) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The time-limits laid down in Article 5a(3)(c), (4)(b) and (4)(e) of Decision 1999/468/EC shall be one month, one month and two months respectively.

5. The Commission may consult the Committee on any other matter concerning the application of this Regulation.

Article 16

Repeal

Article 9 of Directive 2004/36/EC is hereby repealed.

Article 17

Entry into force

This Regulation shall enter into force on the 20th day following that of its publication in the Official Journal of the European Union.

Articles 10, 11 and 12 shall apply from 16 July 2006 and Article 13 shall apply from 16 January 2007.

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

ANNEX

Common criteria for consideration of an operating ban for safety reasons at Community level

Decisions on action at Community level shall be taken according to the merits of each individual case. Depending upon the merits of each case, a carrier or all the carriers certified in the same state might be eligible for action at Community level.

In considering whether an air carrier should be totally or partially banned, it shall be assessed whether the air carrier is meeting the relevant safety standards taking into account the following:

1. Verified evidence of serious safety deficiencies on the part of an air carrier:

— Reports showing serious safety deficiencies, or persistent failure by the carrier to address deficiencies identified by ramp inspections performed under the SAFA programme previously communicated to the carrier.

— Serious safety deficiencies identified within the framework of the provisions for the gathering of information in Article 3 of Directive 2004/36/EC on the safety of third-country aircraft.

— Operating ban imposed on a carrier by a third country because of substantiated deficiencies related to international safety standards.

— Substantiated accident-related information or serious incident-related information indicating latent systemic safety deficiencies.

2. Lack of ability and/or willingness of an air carrier to address safety deficiencies as demonstrated by:

— Lack of transparency or adequate and timely communication on the part of a carrier in response to an enquiry by the civil aviation authority of a Member State regarding the safety aspect of its operation.

— Inappropriate or insufficient corrective action plan presented in response to an identified serious safety deficiency.

3. Lack of ability and/or willingness of the authorities responsible for the oversight of an air carrier to address safety deficiencies as demonstrated by:

— Lack of cooperation with the civil aviation authority of a Member State by the competent authorities of another state, when concerns about the safety of the operation of a carrier licensed or certified in that state have been raised.

— Insufficient ability of the competent authorities with regulatory oversight of the carrier to implement and enforce the relevant safety standards. Particular account should be taken of the following:

(a) audits and related corrective action plans established under ICAO's Universal Safety Oversight Audit Programme or under any applicable Community law;

(b) whether the operating authorisation or technical permission of any carrier under the oversight of that state has previously been refused or revoked by another state;

(c) the air operator's certificate has not been issued by the competent authority of the state where the carrier has its principle place of business.

— Insufficient ability of the competent authorities of the state in which the aircraft used by the air carrier is registered to oversee the aircraft used by the carrier in accordance with its obligations under the Chicago Convention.

Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council

Article 1

Subject matter

This Regulation lays down detailed rules in respect of the procedures referred to in Chapter II of the Regulation(EC) No 2111/2005 (hereinafter: basic Regulation).

Article 2

Requests by Member States to update the Community list

1. A Member State that requests the Commission to update the Community list in accordance with Article 4(2) of the basic Regulation shall provide to the Commission the information indicated in Annex A to this Regulation.
2. The requests mentioned in paragraph 1 shall be addressed in writing to the Secretariat General of the Commission. In addition, the information described in Annex A shall be communicated simultaneously to the competent services of the Directorate General for Energy and Transport of the Commission electronically. If no suitable electronic procedure is available, the same information shall be provided by the fastest practicable alternative means.
3. The Commission shall inform the other Member States through their representatives in the Air Safety Committee in accordance with the procedures provided in the Committee's internal rules, as well as the European Aviation Safety Agency.

Article 3

Joint consultation with the authorities with responsibility for regulatory oversight of the air carrier concerned

1. A Member State that is considering making a request to the Commission under Article 4(2) of the basic Regulation shall invite the Commission and the other Member States to participate in any consultations with the authorities with responsibility for regulatory oversight of the air carrier concerned.
2. The adoption of the decisions referred to in Article 4(2) and 5 of the basic Regulation shall be preceded, when appropriate and practicable, by consultations with the authorities with responsibility for regulatory oversight over the air carrier concerned. Whenever possible, consultations shall be held jointly by the Commission and the Member States.
3. In cases where urgency so requires, joint consultations may be held only after the adoption of the decisions referred in paragraph 2. In that case, the Authority concerned shall be informed that a decision is about to be adopted under Article 4(2) or Article 5(1).

4. Joint consultations may be conducted through correspondence and take place during on-site visits in order to permit the collection of evidence, where appropriate.

Article 4

Exercise of carriers' right of defence

1. When the Commission is considering whether to adopt a decision under Article 4(2) or Article 5 of the basic Regulation, it shall disclose to the air carrier concerned the essential facts and considerations which form the basis for such decision. The air carrier concerned shall be given an opportunity to submit written comments to the Commission within 10 working days from the date of disclosure.

2. The Commission shall inform the other Member States through their representatives in the Air Safety Committee in accordance with the procedures provided in the Committee's internal rules. If it so requests, the air carrier shall be permitted to present its position orally before a decision is reached. Where appropriate the oral presentation should be made to the Air Safety Committee. During the audition, the air carrier can be assisted by the authorities with responsibility for its regulatory oversight if it so requests.

3. In cases of urgency, the Commission shall not be required to comply with paragraph 1 before adopting a provisional measure in accordance with Article 5(1) of the basic Regulation.

4. When the Commission adopts a decision under Article 4(2) or Article 5 of the basic Regulation, it shall immediately inform the carrier and the authorities with responsibility for regulatory oversight over the air carrier concerned.

Article 5

Enforcement

Member States shall inform the Commission of any measures taken to implement the decisions adopted by the Commission under Articles 4(2) or 5 of the basic Regulation.

Article 6

Exceptional measures adopted by a Member State

1. When a Member State has subjected an air carrier to an immediate operating ban in its territory as permitted by Article 6(1) of the basic Regulation, it shall immediately inform the Commission of the fact and communicate the information mentioned in Annex B.

2. When a Member State has maintained or imposed an operating ban on an air carrier in its territory as permitted by Article 6(2) of the basic Regulation it shall immediately inform the Commission and communicate the information mentioned in Annex C.

3. The information mentioned in paragraphs 1 and 2 shall be addressed in writing to the Secretariat General of the Commission. In addition, the information described in Annex B or C shall be communicated simultaneously to the competent services of the Directorate General for Energy and Transport of the Commission electronically. If no suitable electronic procedure is available, the same information shall be provided by the fastest practicable alternative means.

4. The Commission shall inform the other Member States through their representatives in the Air Safety Committee in accordance with the procedures provided in the Committee's internal rules.

Article 7
Entry into force

This Regulation shall enter into force on the first day following that of its publication in the Official Journal of the European Union.

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

Annex A

ANNEX A

Information to be provided by a Member State making a request under Article 4(2) of the basic regulation

A Member State which requests under Article 4(2) of the Basic regulation the updating of the Community list shall provide the following information to the Commission:

Member State making the request

- Name and function of official contact

- E-mail or telephone of official contact.

Carrier(s) and aircraft

- Concerned carrier(s), including legal entity name (indicated on AOC or equivalent) trading name (if different), AOC number (if available), ICAO airline designation number (if known) and full contact details

- Name(s) and full contact details of the authority or authorities with responsibility for regulatory oversight of the air carrier(s) concerned

- Details of the aircraft type(s), State(s) of registry, registration number(s) and, if available, construction serial numbers of the aircraft affected.

Decision requested

- Type of decision requested: imposition of operating ban, removal of an operating ban or modification of the conditions of an operating ban

- Scope of the requested decision (specific carrier(s) or all carriers subject to a particular overseeing authority, specific aircraft or type(s) of aircraft).

Request for the imposition of an operating ban

- Detailed description of the safety concern (eg inspection results) which led to the request for a total or partial ban (related in order to each of the relevant common criteria in the Annex to the basic Regulation)

— Broad description of recommended condition(s) allowing the proposed ban to be cancelled/waived for use as the basis for preparing a corrective action plan in consultation with the authority or authorities with responsibility for regulatory oversight of the air carrier(s) concerned.

Request for the lifting of an operating ban or the modification of attached conditions

— Date and details of agreed corrective action plan, if applicable

— Evidence of subsequent compliance with the agreed corrective plan, if applicable

— Explicit written endorsement by the authority or authorities with responsibility for regulatory oversight of the air carrier(s) concerned that the corrective action plan has been implemented.

Publicity

— Information on whether the Member State has made public its request.

ANNEX B

Communication by a Member State of exceptional measures taken under article 6(1) of the basic Regulation to impose an operating ban in its territory

A Member State reporting that an air carrier has been made subject to an operating ban in its territory in accordance with Article 6(1) of the basic Regulation shall provide the following information to the Commission:

Member State making the report

— Name and function of the official contact

— E-mail or telephone of the official contact.

Carrier(s) and aircraft

— Concerned carrier(s), including legal entity name (indicated on AOC or equivalent) trading name (if different), AOC number (if available), ICAO airline designation number (if known) and full contact details

— Name(s) and full contact details of the authority or authorities with responsibility for regulatory oversight of the air carrier(s) concerned

— Details of the aircraft type(s), State(s) of registry, registration number (s) and, if available construction serial number(s) of the aircraft affected.

Decision

- Date, time and duration of decision

- Description of decision to refuse, suspend, revoke or impose restrictions on an operating authorisation or technical permission

- Scope of the decision (specific carrier(s) or all carriers subject to a particular overseeing authority, specific aircraft or type(s) of aircraft)

- Description of condition(s) allowing the refusal, suspension, revocation or restrictions of the operating authorisation or technical permission delivered by the Member State to be cancelled/waived.

Safety concern

- Detailed description of safety concern (i.e. inspection results) which lead to total or partial ban decision (related to the order of each of the common criteria in the Annex to the basic Regulation).

Publicity

- Information on whether the Member State has made its ban public.

ANNEX C

Communication by a Member State of exceptional measures taken as permitted by article 6(2) of the basic Regulation to maintain or impose an operating ban in its territory when the Commission has decided not to include similar measures in the Community list

A Member State reporting that an operating ban on an air carrier in its territory has been maintained or imposed as permitted by Article 6(2) of the basic Regulation shall provide the following information to the Commission:

Member State making the report

- Name and function of the official contact
- E-mail or telephone of the official contact.

Carrier(s) and aircraft

- Concerned carrier(s), including legal entity name (indicated on AOC or equivalent) trading name (if different), AOC number (if available), ICAO airline designation number (if known).

Reference to the Commission decision

- date of and reference to any relevant Commission documents
- date of Commission/Air Safety Committee decision.

Safety problem specifically affecting the Member State

ANNEX IV

Commission Regulation (EC) No 768/2006 of 19 May 2006 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

Article 1

For the purpose of this Regulation, 'Community SAFA system' means the system set up in Directive 2004/36/EC and in this Regulation for the collection, exchange and analysis of information on the air safety of aircraft and of air operators.

Article 2

1. The European Aviation Safety Agency shall manage and operate the tools and procedures necessary for the collection and exchange of:

1) the information established in Articles 3, 4 and 5 of Directive 2004/36/EC,

2) the information provided by third countries or international organisations with whom appropriate agreements have been concluded by the Community, or organisations with whom EASA has concluded appropriate arrangements in accordance with Article 18(2) of Regulation (EC) No 1592/2002.

2. The management shall include the following tasks:

1) collect data from the Member States relevant to the safety information on aircraft using Community airports;

2) develop, maintain and provide continuous updating of a centralised database containing:

(a) all the information which the Member States are obliged to collect and make available on the basis of Articles 3, 4 and 5 of Directive 2004/36/EC,

(b) any other relevant information concerning the air safety of aircraft and of air operators;

3. Provide necessary changes and enhancements to the database application;

4. Analyse the centralised database information and other relevant information concerning the safety of aircrafts and of air operators and, on that basis:

(a) advise the Commission and the competent authorities of the Member States on immediate actions or follow-up policy;

(b) report potential safety problems to the Commission and to the competent authorities of the Member States;

(c) propose co-ordinated actions to the Commission and to the competent authorities of the Member States when necessary on safety grounds and ensure co-ordination at the technical level of such actions;

5. Liaise with other European institutions and bodies, international organisations and National Aviation Authorities on information exchange;
6. Advise the Commission on the future development and strategy of the Community SAFA system.

Article 3

1. Member States shall enter into the centralised database without delay:
 - 1) the ramp inspection reports referred to in Article 4(4) of Directive 2004/36/EC,
 - 2) the ramp inspection reports not required by Directive 2004/36/EC but which have been carried out in accordance with the procedure established under Annex II of Directive 2004/36/EC.
2. Member States shall communicate to the European Aviation Safety Agency any information useful for the application of the Directive 2004/36/EC and for the accomplishment by the European Aviation Safety Agency of the tasks assigned to it by this Regulation, including information covered by Article 3 of Directive 2004/36/EC.

Article 4

The European Aviation Safety Agency shall:

1. Submit to the Commission a proposal for a manual of ramp inspection procedures and, whenever necessary, for further development and update of the manual and of the Annexes to Directive 2004/36/EC;
2. Develop training programmes and foster the organisation and implementation of training courses and workshops for inspectors to improve the understanding of the Community SAFA system with the aim of reaching a common standard in the performance of ramp inspections;
3. Facilitate and co-ordinate an inspector exchange programme aimed at allowing inspectors to obtain practical experience and contributing to the harmonisation of procedures.

Article 5

1. The European Aviation Safety Agency shall prepare yearly and forward to the Commission:
 1. A report on the Community SAFA system, containing, at least, the following information:
 - (a) status of the progress of the system, including the achievements concerning the collection and exchange of information, the database, the manual of ramp inspections and the training actions;
 - (b) status of the inspections performed in the year;
 - (c) analysis of the inspection results with indication of the categories of findings;
 - (d) actions taken during the year; and

(e) Annexes containing lists of inspections sorted out by state of operation, aircraft type, operator and ratios per item.

2) a proposal for a public aggregated information report containing an analysis of all information received in accordance with Article 5 of Directive 2004/36/EC.

2. The Commission will, in accordance with the procedure referred to in Article 10(5) of Directive 2004/36/EC, consult the Air Safety Committee regarding the report on the Community SAFA system referred to in the first subparagraph.

Article 6

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Articles 1 to 5 shall apply from the 1st of January 2007.

ANNEX 5

Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council

Article 1

Subject matter

This Regulation establishes the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of the basic Regulation.

Article 2

Operating bans

1. The air carriers listed in Annex A are subject to a ban within the Community for all their operations.
2. The air carriers listed in Annex B are subject to operational restrictions within the Community. The operational restrictions consist of a prohibition on the use of the specific aircraft or specific aircraft types mentioned in Annex B.

Article 3

Enforcement

Member States shall inform the Commission of any measures taken under Articles 3(1) of the basic Regulation to enforce, within their territory, the operating bans included in the Community list in respect of the air carriers that are the subject of those bans.

Article 4

Entry into force

This Regulation shall enter into force on the first day following that of its publication in the Official Journal of the European Union.

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

ANNEX VI

Commission Regulation (EC) No 351/2008 of 16 April 2008 implementing Directive 2004/36/EC of the European Parliament and of the Council as regards the prioritisation of ramp inspections on aircraft using Community airports

Article 1 Definitions

For the purpose of this Regulation, the following definitions shall apply:

1. 'prioritisation of ramp inspections' means the dedication of an appropriate portion of the total number of ramp inspections conducted by a Member State on an annual basis, as provided under Article 2 of this Regulation;
2. 'subject' means an operator and/or all operators from a particular State and/or an aircraft type and/or a particular aircraft.

Article 2 Prioritisation criteria

Without prejudice to Article 8(3) of Directive 2004/36/EC, Member States shall prioritise their ramp inspections on the following subjects landing at any of their airports open to international air traffic:

1. Subjects identified as posing a potential safety threat on the basis of the regular analyses conducted by the European Aviation Safety Agency (EASA).
2. Subjects identified on the basis of an opinion expressed by the Air Safety Committee within the context of the implementation of Regulation (EC) No 2111/2005 of the European Parliament and the Council that further verification of effective compliance with relevant safety standards through systematic ramp inspections on those subjects is necessary. This may include subjects which have been withdrawn from the list of air carriers subject to an operating ban within the Community established by Regulation (EC) No 2111/2005 (the Community list).
3. Subjects identified on the basis of information obtained by the Commission from the Member States or EASA pursuant to Article 4(3) of Regulation (EC) No 2111/2005.
4. Aircraft operated into the Community by operators included in Annex B of the Community list.
5. Aircraft operated by other operators certified in the same state as any operator featuring concurrently on the Community list.

Article 3 Communications

1. A list of the subjects referred to in Article 2 shall be communicated electronically by EASA to the Member States at least every four months.

2. EASA shall monitor the prioritisation process and provide to the Member States, in cooperation with competent international organisations in the field of aviation, the information needed to enable them to follow the progress across the Community with regard to the prioritisation of inspections on subjects referred to in Article 2, including relevant statistical air traffic data.

Article 4

This Regulation shall enter into force on the first day following that of its publication in the Official Journal of the European Union.

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

Done at Brussels, 16 April 2008.