

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

COMMISSION DIRECTIVE 2008/49/EC

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(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Directive 2004/36/EC of the European Parliament and of the Council of 21 April 2004 on the safety of third-country aircraft using Community airports⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) Directive 2004/36/EC 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. It requires the Member States to conduct ramp inspections on third-country aircraft landing at any of its airports open to international air traffic following a harmonised procedure, and to participate to the collection and exchange of information on the ramp inspections carried out.
- (2) The Community obligations of the Member States deriving from Directive 2004/36/EC could be, to a large extent, previously discharged through their voluntary participation in the Safety Assessment of Foreign Aircraft (SAFA) programme initiated in 1996 by the European Civil Aviation Conference (ECAC), the management of which was delegated to the Joint Aviation Authorities (JAA).
- (3) From 1 January 2007, the SAFA programme has passed exclusively under Community competence and is now managed by the Commission, assisted by the European Aviation Safety Agency (EASA) as provided under 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⁽²⁾.
- (4) The SAFA programme should be complemented with appropriate measures aimed at ensuring common standards for the performance of ramp inspections, such as a manual for ramp inspections.

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- (5) Annex II to Directive 2004/36/EC contains only very general criteria, as at the time of its adoption detailed technical guidelines and procedures were being published and updated regularly by the JAA and subsequently being voluntarily implemented by ECAC states participating in the SAFA programme.
- (6) In view of the transfer of the SAFA programme to the Community and of the increased importance being ascribed by the Commission to the results of ramp inspections conducted under the SAFA programme in taking its decisions on the inclusion of carriers in the Community list of banned air carriers established under 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, it is deemed necessary to specify the core elements of the manual for conducting ramp inspections.
- (7) The core elements of the manual constitute the essential standards for the effective performance of ramp inspections and should therefore form part within the shortest time possible, of Annex II of Directive 2004/36/EC which establishes the procedure for the performance of ramp inspections, particularly following the transfer of the SAFA programme under Community competence.
- (8) EASA has submitted a proposal for the amendment of Annex II of Directive 2004/36/EC as provided under Article 4(1) of Commission Regulation (EC) No 768/2006.
- (9) Directive 2004/36/EC should therefore be amended accordingly.
- (10) The measures provided for in this Directive are in accordance with the opinion of the Committee established by Article 12 of Council Regulation (EEC) No 3922/91⁽⁹⁾,

HAS ADOPTED THIS DIRECTIVE:

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- (1) [OJ L 143, 30.4.2004, p. 76](#). Directive as amended by Regulation (EC) No 2111/2005 ([OJ L 344, 27.12.2005, p. 15](#)).
- (2) [OJ L 134, 20.5.2006, p. 16](#).
- (3) [OJ L 373, 31.12.1991, p. 4](#). Regulation as last amended by Regulation (EC) No 216/2008 of the European Parliament and of the Council ([OJ L 79, 19.3.2008, p. 1](#)).