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**REPORT FROM THE COMMISSION**

**Safety of Third-Country Aircraft using Community Airports  
(Report on the application of Directive 2004/36/EC)**

**Text with EEA-relevance**

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### **Safety of Third-Country Aircraft using Community Airports (Report on the application of Directive 2004/36/EC)**

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## **1. INTRODUCTION**

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 (safety assessment of foreign aircraft) programme has increasingly proven to be a vanguard in enhancing European, and indeed international, aviation safety. This, albeit the obvious limitations inherent in the programme such as human and technical resources as well as the restricted nature of the very 'ramp inspection' itself – the cornerstone of the programme.

The European Community (EC) has from the outset fully endorsed and supported the SAFA programme, participating actively through membership in the SAFA Steering Committee and also through the provision of funding made available to the JAA by the European Commission.

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<sup>1</sup> - the so-called 'SAFA Directive'.

Whilst the Community obligations of the Member States deriving from this Directive could be to a large extent discharged through their participation in the ECAC SAFA programme - the management of which had been delegated to the JAA – the programme was not based upon a European legal binding basis but upon a commitment of the Directors General of the participating ECAC Member States. The scope of the inspections relating to 'foreign' aircraft implied those aircraft which are not used or operated under the control of the competent authority of the state where the inspection takes place.

Compared to the 'voluntary' nature of their participation in the ECAC SAFA programme so far, Directive 2004/36/EC introduced a clear legal obligation upon European Union (EU) Member States to inspect third country aircraft landing at their airports and to participate to the collection and exchange of information on the ramp inspections carried out. In this case, 'third country aircraft' implied an aircraft which is not used or operated under control of a competent authority of an EU Member State; although the Directive does in no way prohibit EU Member States from inspecting aircraft from other EU Member States.

Article 13 of the SAFA Directive requires the Commission to report to the European Parliament and to the Council by 30 April 2008 on its application of this Directive. It specifies further that the Commission's report should be accompanied, if necessary, by proposals for

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<sup>1</sup> OJ L 143, 30.4.2004, p. 76.

revision of the Directive. The essential aim of this report is to indicate how well the objective of the Directive have been achieved and how far the application of the Directive has contributed towards enhancing aviation safety in Europe.

In order to place this discussion in context, this report also describes and assesses changes in the management and development of the SAFA programme since 2004 and aims to discern to what extent the Directive's regulatory framework has contributed to those changes. This quantitative and qualitative work called for a comprehensive inventory of measures, already taken or planned in the Commission's legislative programme.

## 2. IMPLEMENTATION

### Legal aspects

Directive 2004/36/EC gave EU Member States a window of two years for the enactment of national measures aimed at transposing its provisions. Whilst the deadline stipulated in Article 11 of the Directive was 30 April 2006 for the then EU-15, transitional periods were established for the implementation of the Directive by the ten new Member States which joined the Union on 1<sup>st</sup> May 2004.

As shown in table 1 below, although a significant number of Member States did not enact appropriate transposition measures on time, there were no major problems for Member States in implementing the provisions of the Directive - with two minor exceptions. This was largely due to the fact that the main obligations contained in the Directive were already, to a large extent, discharged through the participation in the ECAC SAFA programme.

Table 1: Transposition by Member States

Member State	Transposition deadline	Deadline type	Opening of infraction Procedures for non-communication	Current status
Austria	30/04/2006	Ordinary deadline	<b>X</b>	Case closed on 27/06/2007
Belgium	30/04/2006	Ordinary deadline		
Bulgaria	01/01/2007	Ordinary deadline		
Cyprus	30/04/2006	Transitional period		
Czech Republic	30/04/2006	Transitional period	<b>X</b>	Case closed on 12/10/2006
Denmark	30/04/2006	Ordinary deadline	<b>X</b>	Case closed on 12/10/2006
Eire	30/04/2006	Ordinary deadline	<b>X</b>	Case closed on 11/12/2007

Estonia	30/04/2006	Transitional period		
Finland	30/04/2006	Ordinary deadline		
France	30/04/2006	Ordinary deadline	<b>X</b>	Case closed on 21/03/2007
Germany	30/04/2006	Ordinary deadline	<b>X</b>	Case closed on 12/10/2006
Greece	30/04/2006	Ordinary deadline	<b>X</b>	Case closed on 17/10/2007
Hungary	30/04/2006	Transitional period	<b>X</b>	Case closed on 27/06/2007
Italy	30/04/2006	Ordinary deadline	<b>X</b>	Case closed on 31/01/2008
Latvia	30/04/2006	Transitional period	<b>X</b>	Case closed on 12/10/2006
Lithuania	30/04/2006	Transitional period		
Luxembourg	30/04/2006	Ordinary deadline	<b>X</b>	Lack of transposition declared by judgement of the European Court of Justice of 01/04/2008
Malta	30/04/2006	Transitional period	<b>X</b>	Case closed on 27/06/2007
Netherlands	30/04/2006	Ordinary deadline	<b>X</b>	Case closed on 12/12/2006
Poland <sup>2</sup>	30/04/2006	Transitional period	<b>X</b>	Case still under review (referred to the European Court of Justice on 28/11/2007)
Portugal	30/04/2006	Ordinary deadline		
Romania	01/01/2007	Ordinary deadline		

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<sup>2</sup> Poland has communicated a set of revised implementing measures on 13/03/2008 which are currently under review by the Commission's legal services.

Slovakia	30/04/2006	Transitional period		
Slovenia	30/04/2006	Transitional period	<b>X</b>	Case closed on 12/12/2006
Spain	30/04/2006	Ordinary deadline		
Sweden	30/04/2006	Ordinary deadline	<b>X</b>	Case closed on 12/12/2006
United Kingdom	30/04/2006	Ordinary deadline	<b>X</b>	Case closed on 12/10/2006

### Operational aspects

In nearly all Member States, the number of operating flights is far greater than the inspection capacities. This means that only spot checks are possible with regard to SAFA ramp inspections. Hitherto therefore, these have been organised either on a random basis, or based upon relevant information whereby it might be decided to focus the inspection (*see 5.2 below*) according to certain criteria - e.g. regular analysis of the database by the European Aviation Safety Agency (EASA) or recommendations issued by the European Commission or national policies and priorities.

## 3. EFFECTS OF THE DIRECTIVE

First and foremost, Directive 2004/36/EC established the inspection of third-country aircraft using Community airports as a legal obligation on Member States.

Secondly, the Directive introduced 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 Community airports. Within this context, it also laid the groundwork for the facilitation of harmonised training of inspectors and personnel participating in the programme, the development of procedures and proposals for improving the programme and its tools, and the reporting on the information gathered.

Additionally, the Directive has:

- definitely contributed to the significant increase of SAFA ramp inspections conducted by the Member States over the past years (*see table 2 below*);
- promoted and facilitated the exchange of aviation-safety related information between the Member States themselves together with the Commission and EASA as well as foreign civil aviation authorities and international organisations;
- been recognised as an increasingly effective deterrent tool *vis-à-vis* potentially unsafe operators flying into the Community.

Moreover, the sound implementation of the Directive has proven to be a key element underpinning the establishment - through Regulation (EC) No 2111/2005<sup>3</sup> - of a list of air carriers subject to an operating ban within the Community – commonly referred to as the 'blacklist'.

Indeed, following the entry into force of the abovementioned Regulation, SAFA ramp inspection reports and the record of subsequent follow-up actions by Member States have acquired paramount importance as a primary criterion in investigations leading to the proposal for, and the eventual inclusion of several operators in the Community 'blacklist'.

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<sup>3</sup> OJ L 344, 27.12.2005, p. 15.

Table 2

**Number of SAFA Inspections per country per year**  
**EU Member States 2002-2007**

		2002	2003	2004	2005	2006	2007	Total reports
1	Austria					42	243	285
2	Belgium	104	92	74	73	84	100	527
3	Bulgaria				7	0	0	7
4	Cyprus					2	9	11
5	Czech Republic	32	28	18	39	40	24	181
6	Denmark	51	50	50	60	60	60	331
7	Estonia	10	6	11	18	30	31	106
8	Finland	24	7	51	56	113	125	376
9	France	1129	1277	1536	1468	1888	2357	9655
10	Germany	1065	992	840	793	786	845	5321
11	Greece	28	3	7	44	105	182	369
12	Hungary	2	2	9	36	8	3	60
13	Ireland	45	52	50	41	59	24	271
14	Italy			625	879	854	883	3241
15	Latvia (Letonia)		4	2	3	2	21	32
16	Lithuania	3	1	7	21	24	14	70
17	Luxembourg	4		4	15	0	2	25
18	Malta		4	9	13	10	9	45
19	Netherlands	113	154	182	243	267	277	1236
20	Poland	60	25	111	141	115	135	587
21	Portugal		9	35	100	39	22	205
22	Romania	28	40	35	108	104	133	448
23	Slovakia	12	7	4	0	6	12	41
24	Slovenia	5	8	6	8	8	18	53
25	Spain	50	4	43	368	1518	1513	3496
26	Sweden	54	52	60	62	102	101	431
27	United Kingdom	194	213	224	197	251	233	1312
	<b>Total:</b>	<b>3013</b>	<b>3030</b>	<b>3993</b>	<b>4793</b>	<b>6517</b>	<b>7376</b>	<b>28722</b>



#### 4. EXERCISE OF COMMUNITY COMPETENCE AND TRANSFER TO EASA

At the 125<sup>th</sup> meeting of ECAC Directors General, ECAC member states discussed the future of the SAFA programme and agreed on the principle of its transfer to Community institutions (i.e. the European Commission and EASA), underlining the need to retain the pan-European dimension of the programme through the establishment of a mechanism that would allow for the continued participation in the programme of the non-EU ECAC member states.

A first concrete step in this direction was made with the enactment (through a comitology procedure as enabled by Article 8 of Directive 2004/36/EC) of **Commission Regulation (EC) No 768/2006**<sup>4</sup>. This Regulation provided for the transfer to EASA of the tasks related to the SAFA programme (hitherto conducted by the JAA) primarily including responsibility for the SAFA database – the backbone of the programme - together with other complementary activities aimed at ensuring common standards for the performance of ramp inspections and related training activities.

This transfer was carried out gradually throughout 2006 and completed fully by the end of that year. The Commission notes with satisfaction the coordination of the smooth transition process between the two entities and which takes an added significance when one considers the practical, technical and logistical obstacles involved in making such a move possible with the least possible disruption to the overall continuity of the SAFA system.

##### 4.1 1<sup>ST</sup> JANUARY 2007 – THE EUROPEAN COMMUNITY (EC) SAFA PROGRAMME

As of 1<sup>st</sup> January 2007 therefore, full responsibility for the management and further development of the **European Community (EC) SAFA Programme** has been passed onto the European Commission assisted by EASA.

The continued participation of the 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 individual non-EU ECAC Member and EASA on collection and exchange of information on the safety of aircraft using Community airports and airports on the territory of the individual state.

Including the EU-27 therefore, the EC-SAFA programme can today boast a total of **42 Participating States**: Albania, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Turkey, Ukraine and the United Kingdom.

Like its ECAC/JAA predecessor, the essential principle of the EC SAFA Programme is that in each SAFA Participating State, aircraft ('third-country' for EU states or 'foreign' for non-EU ECAC states) can be subject to a ramp inspection. These inspections are chiefly concerned with the aircraft documents and manuals, flight crew licenses, the apparent condition of the aircraft and the presence and condition of mandatory cabin safety equipment. The references

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<sup>4</sup> OJ L 134, 20.05.2006, p.16

for these inspections are contained in the Standards of the International Civil Aviation Organisation (ICAO) Annexes 1 (Personnel Licensing), 6 (Operations of Aircraft) and 8 (Airworthiness of Aircraft). These checks are carried out in accordance with a procedure which is common to all Participating States. Their outcome is then the subject of reports which also follow a common format. In the case of significant irregularities, the operator and the appropriate Aviation Authority (State of Operator or Registry) are contacted in order to arrive at corrective measures to be taken not only with regard to the aircraft inspected but also with regard to other aircraft which could be concerned in the case of an irregularity which is of a generic nature. All data from the reports as well as supplementary information (for example a list of actions undertaken and finalised following an inspection) are centralised in a computerised database set up and managed by EASA in Cologne, Germany.

The main features of the EC SAFA Programme can be summarised as follows:

- its application by all the 42 SAFA Participating States across Europe;
- the broad dissemination of inspection results through the centralised database;
- its bottom-up approach – in that the programme is essentially centered around ramp inspections of aircraft;
- its inherent objective of checking for compliance with ICAO Standards which are commonly applicable to all inspected aircraft internationally.

### Operational Structure

As provided for under Directive 2004/36/EC together with its implementing (Commission) Regulation 768/2006/EC, the operational structure of the programme comprises two main organs:

- The **Air Safety Committee** established by Regulation (EC) No 3922/1991: the first operating component upon which the Commission relies to adopt harmonised implementation measures to Directive 2004/36/EC aimed at enhancing the effectiveness of the EC SAFA Programme, in particular the inspection/reporting regime, as provided under Articles 8 and 12 of the said Directive.
- **EASA**: the second operating component which as provided under Regulation (EC) No 768/2006 – in addition to undertaking the database-related operational tasks – provides the Commission and the Air Safety Committee with proposals for the further improvement and development of the EC SAFA Programme together with timely analysis (through the appropriate analytical tools) of the reports-input into the database.

Additionally, the Commission has set up – under the auspices of the Air Safety Committee – a **European SAFA Steering Group (ESSG)** composed of representatives from all of the 42 Participating States. Apart from bringing together national experts acting in a consultative role upon request from the Commission and/or the (Air Safety) Committee itself, this group serves as an invaluable communications channel between the Community and the non-EU Participating States, further underscoring the Commission's declared commitment towards retaining and indeed enhancing the pan-European dimension of the programme.

## **5. STRENGTHENING THE EC SAFA PROGRAMME**

Going by the experience garnered following the entry into force of Directive 2004/36/EC, its inextricable link with the 'blacklist' Regulation (2111/2005) as well as the transfer of the entire SAFA programme under Community competence - unforeseen at the time of adoption of the Directive -, it immediately became apparent to the Commission that the existing provisions of the aforementioned Directive demanded an urgent review in order to ensure the smooth functioning and further development of the programme.

During 2007 therefore, the Commission put forward two proposals for new legislative instruments dealing respectively with the procedures for conducting ramp inspections and with the prioritization of the inspections performed by the Member States (*See points 5.1 and 5.2 below*). Following extensive discussion in the Air Safety Committee and scrutiny of the final texts by the European Parliament, these new legislative instruments were both adopted by the Commission on 16 April 2008<sup>5</sup>.

Other possible improvements and future developments of the programme are explained under points 5.3 and 5.4 below.

### **5.1 COMMISSION DIRECTIVE AMENDING ANNEX II OF DIRECTIVE 2004/36/EC**

As originally adopted, Annex II to Directive 2004/36/EC contained only very general criteria illustrating the broad framework for a more comprehensive set of procedures for the conduct and subsequent reporting of ramp inspections by the Member States.

From another related perspective, in light of the increased profile being ascribed to the results of ramp inspections conducted under the SAFA Programme as an important criterion considered by the Commission in taking its decisions on the inclusion of carriers in the Community 'blacklist', it has also been felt necessary to amend the said Annex in order to give legal standing (and enforceability) to the core elements underpinning the procedures for the harmonised conduct and reporting of ramp inspections by Member States. In this sense, the amended Annex to the Directive addresses several needs which were identified over the previous months, namely:

- (1) The necessity for the incorporation in the Annex of core elements for a manual of EC SAFA ramp inspection procedures which is strictly restricted to include those provisions which it is deemed necessary to make mandatory upon Member States (through their inclusion within Annex II to the Directive); making it also applicable to the non-EU Participating States through their Working Arrangements with EASA. These core elements concern:
  - Qualification criteria and training requirements for SAFA inspectors.
  - Relevant safety standards which are central to the EC SAFA Programme.

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<sup>5</sup> OJ L 109, 19.04.2008, pp.7 and 17.

- Inspection procedures.
  - Categorisation of findings.
  - Follow-up actions to be taken pursuant to the various possible outcomes of a ramp inspection.
- (2) The necessity to replace the 'SAFA checklist' forming part of the original Annex with the present 'SAFA procedures' as most recently updated.
  - (3) The necessity for a specific provision obliging all Participating States to respect a deadline of not more than 15 working days between the date of a ramp inspection, and the input of that inspection's report into the centralized database in order to improve the accuracy and relevance of the analysis regularly conducted by EASA of the inputted reports.
  - (4) The necessity to establish a standard 'Proof of Inspection', a section of which is handed to relevant personnel of the aircraft being inspected against a signed acknowledgment of receipt.
  - (5) The necessity of rewording several parts of the original text for the sake of improving the clarity and readability of the Annex.

In the amended Annex, EASA undertakes to supplement these core elements by developing guidance material to be applied by Member States. For this purpose, EASA shall establish a transparent procedure for consulting the Member States drawing on available expertise in the aviation regulatory authorities of Member States and by involving, whenever necessary, appropriate experts from relevant interested parties. To this effect, it may create a working group.

## **5.2 COMMISSION REGULATION IMPLEMENTING DIRECTIVE 2004/36/EC AS REGARDS THE PRIORITISATION OF RAMP INSPECTIONS ON AIRCRAFT USING COMMUNITY AIRPORTS**

The Commission has repeatedly reiterated its commitment towards making the best possible use of all the tools at its disposal for the gathering of intelligence on aviation safety in order to maximise the efficiency of the limited resources available under the EC SAFA Programme. To this end, this measure empowers the Commission to formally request 'qualitative targeting' through the prioritisation of a number of the ramp inspections conducted by Member States on particular subjects identified according to a set of criteria (established by the Regulation) as being potentially susceptible to safety deficiencies.

The Commission believes that this measure should reasonably harness the random nature of the SAFA ramp inspection programme by helping to identify better potentially hazardous subjects as well as enabling the collection of further data on such subjects; possibly also leading to the presentation of even better-defined cases for decision under the 'Blacklist' Regulation (2111/2005).

### 5.3 'QUANTITATIVE TARGETING'

Referring back to table 2 above (*see page 7*), whilst one can note that since 2001 the overall amount of SAFA ramp inspections conducted in the Community has more than doubled, one can equally note the gross disparity in the different amounts of ramp inspections conducted by the individual Member States.

Whilst fully appreciating the equally gross disparity which in many cases exists with regard to the human and material resources available to different Member States, the Commission believes that irrelevant of the resources at their disposal, the output registered by many Member States in terms of annual inspections conducted border on the unacceptable. On a State by State basis this applies to:

- the actual number of inspections *per se*;
- the number of inspections conducted in comparison with the traffic volume to/from each particular Member State.

Within this context, the Commission has repeatedly reiterated that this situation needs to be improved. It continues to examine with EASA and the Member States a way to establish a minimum number of inspections that each Member State would conduct yearly on the basis, of course, of various parameters such as the number of flights, international airports, [intensity of checks conducted previously in other Member States](#) etc.

### 5.4 EASA EXTENSION OF COMPETENCES – REGULATION (EC) No 216/2008

On 20 February 2008, the Council and the European Parliament adopted Regulation (EC) No 216/2008<sup>6</sup> on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2003/36/EC (hereinafter referred to as the "EASA Regulation"). Its provisions foresee the replacement of Directive 2004/36/EC (and the related implementing rules) by a set of rules adopted under the EASA Regulation as follows:

Article 10 of this Regulation – which entered into force on 8 April 2008 – provides for the measures which were hitherto covered by Directive 2004/36/EC. Moreover, Article 10(5) stipulates that implementing measures related to this Article may be adopted through comitology ("*... in accordance with the regulatory procedure with scrutiny referred to in Article 65(4) of the Regulation.*").

In addition, Article 69 of the Regulation provides that Directive 2004/36/EC shall be repealed as from the entry into force of the implementing measures referred to in Article 10(5) of the Regulation, and without prejudice to the implementing rules referred to in Article 8(2) of Directive 2004/36/EC.

Finally, the principles contained in Article 10 shall apply only as from the dates specified in its respective implementing rules, but in any case by not later than 8 April 2012.

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<sup>6</sup> OJ L 79, 19.03.2008, p.1

## **6. THE SAFA 'AGGREGATE REPORT'<sup>7</sup>**

Article 6(2) of Directive 2004/36/EC provides that the Commission shall publish yearly an aggregated information report available to the public and the industry stakeholders containing an analysis of all information received through the reports of ramp inspections conducted on aircraft using Community airports. Such analysis should be simple and easy to understand, indicating whether there exists an increased safety risk to air passengers. The source of the information contained in such analysis should be dis-identified.

In this respect, a first Aggregated Report was adopted and published by the Commission in February 2008 which analysed the results of the ramp inspections performed in the time frame between 30 April 2006 until 31 December 2006. Over 2008, the same report will be phased-in on a full year basis (and annually thereafter), covering the period between 1<sup>st</sup> January and 31 December 2007 - the first full year following the transfer of responsibility for the management and development of the SAFA programme from ECAC and the JAA to Community competence.

The Commission believes that, for the sake of increased transparency and accountability with regard to all the actors involved in the programme and referred to in such a document as well as vis-à-vis the European Parliament and the public opinion in general, the constraints imposed by Article 6(2) of Directive 2004/36/EC should be softened to allow that the referred annual reports provide more accurate information as regards the safety performance of different actors involved.

## **7. CONCLUSIONS**

Based upon the SAFA inspections performed over the last few years, experience shows that these give a general indication of the safety of foreign operators. However, this indication is limited in the sense that no full picture is obtained about the safety of any particular aircraft or operator. This is due to the fact that certain aspects are difficult to assess during an inspection (e.g. Crew Resource Management, full airworthiness status, etc.) owing to the limited time available to perform an inspection and consequently the limited level of detail possible during such an inspection.

A full assessment of a particular aircraft or operator can only be obtained through the continuous oversight by the responsible Aviation Authority (State of Operator or State of Registry). In this manner, the information gained through the EC SAFA Programme is indeed very useful:

- Primarily as a pre-emptive tool helping to identify potential negative safety trends, whereby a numerous and/or recurring number of findings concerning a particular operator, is a very good indicator of potential structural weaknesses both with regard to the quality control management of that operator as well as the level of safety oversight exercised by the responsible national civil aviation authorities of the state where that operator is certified; similar negative trends may also be identified concerning specific aircraft types.
- More directly, SAFA inspections may contribute in real-time to the safe operation of the particular aircraft which has just been inspected prompting the inspecting authorities to

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<sup>7</sup> OJ C 42, 15.02.2008, p.1

ensure that corrective actions are taken immediately prior to any further operations being conducted by that aircraft.

Information from all inspections performed is shared, thus contributing to a more complete picture about a certain aircraft, aircraft type, operator or all operators from a particular State. The SAFA centralised database is therefore particularly useful as it contributes to a rapid flow of such information to all the States participating in the EC SAFA Programme.

Additionally, since the coming into force of Regulation (EC) No 2111/2005 ('EC blacklist'), SAFA inspections have acquired an increased importance as one of the criteria considered by the Commission in taking its decisions on the inclusion of carriers in the Community list. Indeed, this has been the case since the establishment of the first Community list in March 2006 and its subsequent regular updates.

Summing up the conclusions arrived at in this report, one may say that:

- Directive 2004/36/EC established in the Community a mandatory regime for regular ramp inspections of third-country aircraft using Community airports whilst laying down the foundations for harmonised procedures regarding the conduct, reporting and follow-up of such inspections and exchange of information thereof between the Member States, the Commission and EASA.
- With some minor exceptions, there have been no major problems for Member States in transposing and implementing the provisions of the Directive.
- The decision to transfer the management and development of the entire ECAC/JAA SAFA programme under Community competence brought about an urgent need for supplementary legislation to the Directive which legislation was enacted in a timely manner enabling the smooth transfer of the programme.
- The core elements underpinning the Community's ramp inspection regime have been made legally binding through the amendment of Annex II to the Directive, thereby ramifying their harmonisation across the Member States as well as the other 15 SAFA Participating States. This measure should improve the overall quality of ramp inspection reports, which is of particular importance within the context of investigations related to the Community 'blacklist' of air carriers established under Regulation (EC) No 2111/2005.
- Implementing legislation has been enacted which states the rules and criteria for the prioritisation of their ramp inspections on particular subjects which may be identified according to established criteria as posing a potential threat to aviation safety.
- Whilst the overall amount of SAFA ramp inspections conducted in the Community has more than doubled since 2001, there is a gross disparity in the different amounts of ramp inspections conducted by the individual Member States. Accordingly, the Commission examines the feasibility of establishing a minimum quota of inspections to be conducted by individual Member States.
- Through the adoption of Regulation (EC) No 216/2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency,

Directive 2004/36/EC should be eventually repealed – at the latest by 8 April 2012 - to be gradually replaced by the provisions in Article 10 of the said Regulation and subsequent implementing rules to be enacted under Article 10(5). In this respect, it is envisaged that the EASA's responsibilities vis-à-vis the management and further development of the programme shall be considerably increased.