



## TERMS OF REFERENCE

- Task Nr:** OPS.087 (a), (b) & (c)
- Issue:** 1
- Date:** 20 July 2011
- Regulatory reference:**
- Directive 2004/36/EC (SAFA Directive) as amended by Commission Directive 2008/49/EC
  - Commission Regulation (EC) No 768/2006 implementing Directive 2004/36/EC
  - Commission Regulation (EC) No 351/2008 implementing Directive 2004/36/EC
  - EASA Guidance Material on the Qualification of SAFA Inspectors (Annex to ED Decision 2008/001/S)
  - SAFA Ramp Inspections Guidance Material Version 1.0 (Annex to ED Decision 2009/001/S)
  - CRD to NPA 2008-22b and 2009.02d
- Reference documents:** Annexes 1, 2, 6, 7, 8, 15, 16 and 18 to the Convention on International Civil Aviation

### 1. Subject:

Development of a comprehensive package system of procedures ensuring a harmonised way of performing ramp inspections in accordance with Part-ARO.RAMP (previously Part-AR.GEN Section IV Ramp Inspections) by transferring existing EASA SAFA Guidance Material (GM) dealing with the qualification of ramp inspectors, the approval of training organisations and the ramp inspection procedures and by complementing it by the parts required due to the introduction of the new requirements, notably the ones concerning the ramp inspections conducted on operators certified in an EASA Member State

### 2. Problem/Statement of the issue and justification; reason for regulatory evolution (regulatory tasks):

Regulation (EC) No 216/2008 extended the scope of the Community competence to air operations, flight crew licences and aircraft used by third-country operators into, within or out of the Community, and gave the Agency additional operational responsibilities. Regarding third-country operators, the Agency is competent for developing an Opinion for the authorisation and oversight of commercial operators; for the oversight of non-commercial operators, when they need to declare their activities; and for the authorisation of third-country aircraft when they or their crews do not comply with the ICAO Standards.

Third-country aircraft operating within the EU are subject to inspections by the EU Member States in accordance with Directive 2004/36/EC on the safety of third-country

aircraft using Community airports (the SAFA Directive). This Directive establishes a harmonised approach for the exchange of information, the execution of ramp inspections and the grounding of third-country aircraft landing at airports located in the EU Member States.

Regulation (EC) No 216/2008 envisages that the SAFA Directive will be repealed as soon as its Implementing Rules come into force. As a consequence, the measures adopted in accordance with Article 8(2) of that Directive [namely Commission Regulation (EC) No 351/2008 of 16 April 2008, Commission Regulation (EC) No 768/2006 of 19 May 2006, and Directive 2008/49/EC of 16 April 2008] will lose their legal basis and will become null and void; it is therefore necessary to transpose them in the context of the Implementing Rules of Regulation (EC) No 216/2008. Accordingly, the requirements for the competent authorities established on the basis of the SAFA Directive and its implementing rules are transferred to Part-ARO.RAMP (previously Part-AR.GEN Section IV). The scope of the Basic Regulation is also wider than the scope of the SAFA Directive – which is limited to third-country aircraft engaged in commercial operations and third-country aircraft of a maximum takeoff weight of more than 5 700 kg engaged in non-commercial operations. Consequently Part-ARO.RAMP will be applicable to all aircraft subject to the Basic Regulation used by community (SACA – Safety Assessment of Community Aircraft) and third-country operators (SAFA), both commercial and non-commercial. It was indeed felt necessary to establish a comprehensive and uniform system for conducting ramp inspections.

The SAFA Directive establishes the legal basis for the SAFA Programme; it was amended by Commission Directive 2008/49/EC introducing the core elements of the SAFA Procedures Manual. This legal framework was complemented by two implementing regulations – Commission Regulation (EC) No 768/2006 as regards the collection and exchange of information on the safety of aircraft using Community airports and the management of the information system, and Commission Regulation (EC) No 351/2008 as regards the prioritisation of ramp inspections on aircraft using Community airports. In order to assist the EU Member States in the implementation of certain provisions of this regulatory framework, the SAFA Guidance Material has been adopted on the Procedures for the Qualification of Ramp Inspectors and on Ramp Inspection Procedures.

Since Regulation (EC) No 216/2008 is now replacing the existing regulatory framework, it must be ensured that the new ramp inspection system will continue to remain effective once the new IRs will come into effect.

This proposal is intended to address the need for a harmonised and standardised execution of ramp inspections and the approval of training organisations in all EU Member States and in all States with which EASA signed a working arrangement on SAFA. AMC and Guidance Material will be required to give clear guidance and instructions to the inspectors performing ramp inspections as well as conditions for the approval and continuous validity of organisations intending to provide training to ramp inspectors.

The aim of this regulatory task is to transfer the existing EASA SAFA GM (developed and published pursuant to Commission Directive 2008/49/EC) and complement it with AMCs and GMs dealing with the performance of ramp inspections on Community operators (SACA) and Implementing Rules for training organisations. The respective AMC and GM should complement the following paragraphs in the IRs: ARO.RAMP.125 (AR.GEN 435), ARO.RAMP.130 (AR.GEN 440), ARO.RAMP.135 (AR.GEN 445). The Implementing Rules should provide the conditions to be met by training organisations to obtain an approval in accordance with ARO.RAMP.120.

The issue affects EASA, the NAAs of EU Member States plus Norway, Iceland, Liechtenstein and Switzerland, as well as the SAFA participating countries. In addition, all operators flying to the airports of the participating countries are also affected, since they would be subject to inspections.

**3. Objective:**

The specific objective of this proposal is to ensure a harmonised way of performing ramp inspections through common standards, in accordance with Part-ARO.RAMP. Such an objective would contribute to maintaining a high uniform level of civil aviation safety in Europe (principal objective of the Agency as defined in Article 2 of Regulation (EC) No 216/2008). In addition, it should also be taken into account that the obligation to perform ramp inspections stems from ICAO Annex 6, and that the Member States expect EASA to coordinate the Programme allowing them to effectively discharge this obligation.

The harmonisation of the performance of ramp inspections in all EU Member States and SAFA participating countries would indeed allow for the effective enforcement of international/EU safety standards within the Community and in participating countries.

This is also linked to the development of procedures for the inspection of Community aircraft (SACA). It is recognised that SAFA inspections will become one of the primary means of overseeing the population of third-country operators which further highlights the need for high quality ramp inspection data, which can only be guaranteed by a harmonised ramp inspection programme.

**4. Specific tasks and interface issues (Deliverables):**

Development of a Decision (new Acceptable Means of Compliance and new Guidance Material) and of an Opinion (new Implementing Rules), necessary to complement the new Implementing Rules on Ramp Inspections which incorporate the SAFA Directive.

**5. Working method** (in addition to the applicable Agency procedures):

Agency

**6. Timescale, milestones:**

Start: 2011/Q3

NPA to be issued by: 2012/Q2

Publication of Opinion by: 2013/Q2

Publication of the ED Decision related to AMC and GM on inspections by: 2013/Q2

Publication of the ED Decision related to AMC and GM on training organisations by: 2014/Q2.