



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.10.1998
COM(1998) 597 final

97/0039 (SYN)

Re-examined proposal for a

COUNCIL DIRECTIVE

establishing a safety assessment of third countries aircraft

using Community airports

(presented by the Commission pursuant to Article 189 c (d)
of the EC Treaty)

EXPLANATORY MEMORANDUM

On 17 February 1997 the Commission adopted a proposal for a Council Directive establishing a safety assessment of third countries aircraft using Community airports.

On 19 November the European Parliament approved the proposal subject to certain amendments.

On 4 March 1998, the Commission adopted a modified proposal containing all but one of the Parliament's amendments since they are consistent with the purpose of the proposed Directive, namely to contribute to the improvement of air safety by inspecting third countries aircraft whenever there is a suspicion that they are not operating in accordance with international safety standards, by collecting and disseminating information relating to shortcomings, so that sufficient evidence can be established to decide on measures required to ensure the safety of passengers, and by providing for measures to rectify identified shortcomings.

On 4 June 1998, the Council adopted its common position which only took partial account of the modified proposal and the Parliament's amendments.

On 15 September 1998, the European Parliament accepted, in its second reading, the Common position of the Council subject to four amendments.

The Commission decided to take up these amendments for the following reasons:

- Amendment 1 because it usefully applies the controls to all aircraft suspected of non-compliance with international safety standards landing at any airport open to international traffic;
- Amendment 2 because it provides an acceptable solution to the sensitive problem of on the one hand, protecting the safety information to avoid a drying up of the sources of needed information and, on the other hand, giving to the public the information on the safety of air carriers that is legitimately asked for. Some of the Member States accepted to adopt the common position after having received the assurance that the Commission would propose an acceptable compromise on this subject. The wording of paragraph 3 has been slightly changed to limit the release of additional information to parties likely to use it for the improvement of air safety.
- Amendment 3 and 4 represent a possible compromise between the Commission proposal and the Council common position on the adoption of common measures vis-à-vis third countries or their operators found non-compliant with international safety standards.

RE-EXAMINED PROPOSAL FOR A COUNCIL DIRECTIVE ESTABLISHING A SAFETY ASSESSMENT OF THIRD COUNTRIES AIRCRAFT USING COMMUNITY AIRPORTS

Common Position text

Re-examined proposal

Article 5(1), introduction
Ramp inspection

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 usually 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:

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 all aircraft:

Common Position text

Re-examined proposal

Article 7

Protection of information

1. The information exchanged in accordance with Article 6 shall be used solely for the purpose of this Directive. If this information has been received from a Member State in confidence, its access shall be limited to the participating competent authorities and the Commission. Each Member State shall decide whether information collected in its territory can be passed on to other international organizations.

Protection and dissemination of information

1. The information exchanged in accordance with Article 6 shall be used solely for the purpose of this Directive and its access shall be limited to the participating competent authorities and the Commission.

2. Each Member State shall publish half yearly information available to the public concerning:

- the number of aircraft grounded during the previous six month period, including in particular the type of aircraft, the name and country of the operator, the State of registration, the reason for grounding and the airport and date of grounding, as well as any corrective measures notified as a consequence of the grounding;
- type of aircraft, State of registration and name and country of the operators whose aircraft has been detained more than once during the past 24 months, the reason for grounding and the airport and date on which the grounding was imposed, as well as any corrective measures notified as a result of the grounding.
- the list of airports open to international traffic, the number of ramp inspections carried out and the number of movements of third country aircraft at each airport on the list,
- the number of ramp inspections communicated in accordance with the provisions of Article 6, paragraph 3.

3. The Commission may, in accordance with the procedure laid down in Article 11, decide on the release of supplementary information to parties likely to benefit from it with regard to improving air safety.

2. Confidentiality of information given voluntarily, in particular by the crew of aircraft subjected to ramp inspections, will be ensured by de-identifying extensively the source of such information.

4. Confidentiality of information given voluntarily, in particular by the crew of aircraft subjected to ramp inspections, will be ensured by de-identifying extensively the source of such information.

Article 10

Imposition of a ban or conditions on operation

If a Member State decides to ban or impose conditions on the operation of a specific operator or operators of a specific third country from its airports pending the adoption by the competent authority of that third country of satisfactory arrangements for corrective measures:

- a) that Member State shall notify the Commission of the measures taken;
- b) the Committee referred to in Article 12 shall consider what measures Member States deem necessary.

If a Member State decides to ban or impose conditions on the operation of a specific operator or operators of a specific third country from its airports pending the adoption by the competent authority of that third country of satisfactory arrangements for corrective measures:

- a) that Member State shall notify the Commission of the measures taken;
- b) the Commission may, in consultation with the Committee laid down in Article 12, identify the Community-wide implications of the perceived safety hazard;
- c) the Commission may, in accordance with the procedure laid down in Article 11, take any measure deemed necessary including the extension to the Community of the measures notified under (a).

Article 12(1)
Committee

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The Committee, acting in accordance with the procedure laid down in Article 11, shall assist the Commission in:

- taking any appropriate measures referred to in Article 9(2);
- taking any decision referred to in Article 9(3).

1. The Commission shall be assisted by a committee composed of the representatives of the Member States and chaired by the representative of the Commission.

The Committee, acting in accordance with the procedure laid down in Article 11, shall assist the Commission in:

- taking any appropriate measures referred to in Article 9(2);
- taking any decision referred to in Article 9(3);
- taking any decision or any appropriate measures referred to in Article 10 (c).

ISSN 0254-1475

COM(98) 597 final

DOCUMENTS

EN

07 06 10 11

Catalogue number : CB-CO-98-588-EN-C

ISBN 92-78-39938-8

Office for Official Publications of the European Communities

L-2985 Luxembourg