



STATUTORY INSTRUMENTS

**S.I. No. 754 of 2007**

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EUROPEAN COMMUNITIES (SAFETY OF THIRD-COUNTRY  
AIRCRAFT USING COMMUNITY AIRPORTS) REGULATIONS 2007

**(Prn. A7/2052)**

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EUROPEAN COMMUNITIES (SAFETY OF THIRD-COUNTRY  
AIRCRAFT USING COMMUNITY AIRPORTS) REGULATIONS 2007.

I, NOEL DEMPSEY, Minister for Transport, in exercise of the powers conferred on me by Section 3 of the European Communities Act 1972 (No. 27 of 1972) for the purpose of giving full effect 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<sup>1</sup>, as amended by Regulation 2111/2005 of the European Parliament and Council<sup>2</sup>, hereby make the following Regulations:

Part I

*Preliminary*

1. Citation

These Regulations may be cited as the European Communities (Safety of Third-Country Aircraft Using Community Airports) Regulations, 2007.

2. Interpretation

(1) In these Regulations—

“the Commission” means the Commission of the European Community;

“competent authority” means an authority that is authorised to regulate civil aviation activities in a State;

“the Directive” means 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 as amended by European Parliament and Council Regulation No. 2111/2005 of 14 December 2005;

“grounding” means the formal prohibition of an aircraft to leave an airport, and the taking of such steps as are necessary to detain it;

“international safety standards” means the safety standards contained in the Chicago Convention and its Annexes, as in force at the time of the inspection;

“Member State” means a Member State of the European Community;

“ramp inspection” means the examination of third-country aircraft in accordance with Annex II to European Parliament and Council Directive 2004/36/EC;

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

<sup>2</sup>OJ L 344, 27.12.2005, p. 18.

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 16th November, 2007.*

“State aircraft” means aircraft used in military, customs and police services;

“the State” means the State of Ireland and includes its territorial waters;

“third-country aircraft” means an aircraft which is not used or operated under the control of a competent authority of a Member State.

(2) In these Regulations:

(a) a reference to a Regulation is a reference to a Regulation of these Regulations unless it is indicated that a reference to some other Regulations is intended;

(b) a reference to a paragraph or sub-paragraph is a reference to a paragraph or sub-paragraph of the provision in which the reference occurs, unless it is intended that reference to some other provision is intended.

### 3. Scope and Application

(1) These Regulations shall apply to third-country aircraft landing at airports located in the State.

(2) These Regulations shall not apply to State aircraft.

(3) These Regulations shall not apply to aircraft of a maximum take-off weight of less than 5,700 kg. which are not engaged in commercial air transport.

(4) These Regulations shall be without prejudice to the State’s right to carry out inspections not covered by the Regulations and, in accordance with Community and international law, to ground, ban, or impose conditions on any aircraft landing at airports within the State.

## Part II

### RESPONSIBILITIES OF THE IRISH AVIATION AUTHORITY

#### 4. Responsibilities of the Irish Aviation Authority

(1) The Irish Aviation Authority shall put in place the necessary mechanisms to satisfy the requirements of these Regulations.

(2) The Irish Aviation Authority shall report to the European Commission on the operational measures taken to implement the requirements of the Directive.

#### 5. Collection of Information

(1) The Irish Aviation Authority shall put in place a mechanism to collect any information deemed useful for the fulfilment of the objectives of the Directive including, but not limited to:

(a) important safety information accessible, in particular, through:

- (i) pilot reports;
  - (ii) maintenance organisation reports;
  - (iii) incident reports;
  - (iv) other organisations, independent from the competent authorities of the Member States; and
  - (v) complaints;
- (b) information on action taken subsequent to a ramp inspection, such as:
- (i) aircraft grounded;
  - (ii) aircraft or operator banned from the State;
  - (iii) corrective action required;
  - (iv) contacts with the operator's competent authority;
- (c) follow-up information concerning the operator, such as:
- (i) corrective action implemented;
  - (ii) recurrence of discrepancy.

(2) This information shall be kept by the Irish Aviation Authority, using a standard report form containing the items described, in the form set out in Annex I to the Directive.

## 6. Ramp Inspections

(1) The Irish Aviation Authority shall put in place the appropriate means to ensure that third-country aircraft suspected of non-compliance with international safety standards landing at any airport in the State open to international air traffic shall be subject to ramp inspections. In implementing such procedures, the Irish Aviation Authority shall give particular attention to aircraft:

- (a) where information has been received indicating poor maintenance condition or obvious damage or defects;
- (b) 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;
- (c) 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 Irish Aviation Authority is concerned that the defects may not have been corrected;

- (d) where there is evidence that the competent authorities of the country of registration may not be exercising proper safety oversight; or
- (e) where information collected under Regulation 5 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) The Irish Aviation Authority 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 shall comply with Community and international law. Such rules, and all spot-checks conducted in accordance with such rules, shall be of a non-discriminatory nature.

(3) Where the Commission advises the Irish Aviation Authority that it has made a decision, as provided for under the terms of the Directive, on appropriate ramp inspections and other surveillance measures, in particular in relation to a specific operator or in relation to operators of a specific third country, the Irish Aviation Authority shall take the necessary steps to ensure, that such ramp inspections and other surveillance measures are implemented within the State.

(4) The ramp inspection required by these Regulations shall be performed in accordance with the procedure described in Annex II to the Directive and using a ramp inspection report form containing at least the items described in the form set out in that Annex II.

(5) 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.

(6) When performing a ramp inspection under these Regulations, the Irish Aviation Authority shall make all possible efforts to avoid an unreasonable delay of the aircraft inspected.

#### 7. Competencies and Powers of the Irish Aviation Authority

(1) These Regulations shall apply without prejudice to the generality of competencies and powers granted under legislation to, or exercisable under legislation by, the Irish Aviation Authority and its authorised officers and persons.

(2) The competencies and powers referred to in paragraph (1) shall be exercisable as necessary or expedient for the purposes of these Regulations.

## Part III

## EXCHANGE AND PROTECTION OF INFORMATION

## 8. Exchange of information

(1) The Irish Aviation Authority shall participate in a mutual exchange of information with the competent authorities of the other Member States. At the request of a competent authority of another Member State, it shall include in such information a list of the airports in the State 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) The Irish Aviation Authority shall make all standard reports referred to in Regulation 5 and the ramp inspection reports referred to in Regulation 6(4) available without delay to the Commission. It shall also make these reports available without delay, at their request, to the competent authorities of the other Member States and to the European Aviation Safety Agency (EASA).

(3) Whenever a standard report, as referred to in Regulation 5, shows the existence of a potential safety threat, or a ramp inspection report, as referred to in Regulation 6(4), shows that an aircraft does not comply with international safety standards and may pose a potential safety threat, the Irish Aviation Authority shall, without delay, communicate such report to the competent authority of each of the Member States and to the Commission.

## 9. Protection of information

(1) The information received by the Irish Aviation Authority under Regulation 8 is confidential and shall be used solely for the purposes of these Regulations.

(2) Whenever information concerning aircraft or operating deficiencies is given voluntarily, the ramp inspection reports referred to in Regulation 6(4) shall be dis-identified regarding the source of such information.

## 10. Judicial Authorities

These Regulations shall apply without prejudice to the right of access to information by judicial authorities.

## Part IV

## GROUNDING AND DETENTION OF AIRCRAFT

## 11. Grounding of Aircraft

(1) Where non-compliance with international safety standards is clearly hazardous to flight safety, measures shall be taken by the aircraft operator to rectify

the deficiency or deficiencies before flight departure. If the Irish Aviation Authority in performing the ramp inspection is not satisfied that the necessary corrective action will be carried out before the flight, it shall ground the aircraft until the hazard is removed.

(2) Where the Irish Aviation Authority has grounded an aircraft under these Regulations, it shall immediately inform the competent authorities of the operator concerned and of the State of registration of the aircraft.

#### 12. Authorisation of Flight to a Base where Repair Facilities are Available

(1) Where the Irish Aviation Authority has grounded an aircraft under Regulation 11, the Irish Aviation Authority 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 deficiency or deficiencies can be corrected.

(2) If the deficiency (or deficiencies) affects the validity of the certificate of airworthiness for the aircraft concerned, the grounding may only be lifted and the flight allowed, if the operator obtains permission from such State or States as will be overflown on that flight.

### Part V

#### OFFENCES AND PENALTIES

#### 13. Offences

(1) A person who obstructs or impedes the Irish Aviation Authority or any member of its staff in the performance of any function conferred on him by or under these Regulations shall be guilty of an offence.

(2) A person who fails to furnish to the Irish Aviation Authority or to any member of its staff information to which it or he is entitled under these Regulations or who knowingly or recklessly provides false information shall be guilty of an offence.

(3) If an aircraft, after the pilot-in-command and/or other representative of the operator has been informed that the aircraft has been grounded, takes-off, or attempts to take-off, without the prior permission of the Irish Aviation Authority, the pilot-in-command and also the owner or operator (where such person is not the owner) of the aircraft, and any person who causes the aircraft to take-off, or to attempt to take-off, shall each be guilty of an offence.

(4) Where a person charged with an offence under paragraph (3) of this Regulation is not the pilot-in-command of the aircraft in respect of which the such offence is alleged to have been committed, it shall be a good defence for such person to prove that on the occasion on which such offence is alleged to have been committed, he was not a party to or privy to the taking-off or attempted taking-off.



14. Penalties

A person guilty of an offence under Regulation 13 shall be liable on summary conviction to a fine not exceeding €5000 or to imprisonment for a term not exceeding 12 months or both.



GIVEN under my Official Seal,  
16 November 2007

NOEL DEMPSEY,  
Minister for Transport.

## EXPLANATORY NOTE

*(This note is not part of the Regulations and does not purport to be a legal interpretation)*

The purpose of these Regulations is to give effect to the provisions of Directive 2004/36/EC of the European Parliament and Council of 21st of April 2004 on the safety of third-country aircraft using Community airports, as amended by European Parliament and Council Regulation No. 2111/2005.

In order to establish and maintain a high uniform level of civil aviation safety in Europe by ensuring that aircraft comply fully with the international safety standards contained in the Chicago Convention of 1944, the Directive requires the introduction of harmonized rules and procedures for ramp inspections of third-country aircraft landing at airports located in the Member States of the Community.

It further requires that where it is found that aircraft have mechanical defects or other deficiencies which are clearly hazardous to safety, such aircraft are grounded until the non-compliance with international safety standards has been rectified.

Member States are also required to put in place a mechanism to collect information useful for the fulfilment of the objectives of the Directive and to permit the exchange of this information between the competent authorities of the Member State.

The State's obligation under these Regulations are carried out by the Irish Aviation Authority.

BAILE ÁTHA CLIATH  
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