

- (d) When asked for the prior approval of a dry-lease out agreement in accordance with ORO.AOC.110(e), the competent authority shall ensure:
- (1) proper coordination with the competent authority responsible for the continuing oversight of the aircraft, in accordance with Commission Regulation (EC) No 2042/2003 ⁽¹⁾, or for the operation of the aircraft, if it is not the same authority;
 - (2) that the aircraft is timely removed from the operator's AOC.

SECTION II

Approvals

ARO.OPS.200 Specific approval procedure

- (a) Upon receiving an application for the issue of a specific approval or changes thereof, the competent authority shall assess the application in accordance with the relevant requirements of Annex V (Part-SPA) and conduct, where relevant, an appropriate inspection of the operator.
- (b) When satisfied that the operator has demonstrated compliance with the applicable requirements, the competent authority shall issue or amend the approval. The approval shall be specified in the operations specifications, as established in Appendix II.

ARO.OPS.205 Minimum equipment list approval

- (a) When receiving an application for initial approval of a minimum equipment list (MEL) or an amendment thereof from an operator, the competent authority shall assess each item affected, to verify compliance with the applicable requirements, before issuing the approval.
- (b) The competent authority shall approve the operator's procedure for the extension of the applicable rectification intervals B, C and D, if the conditions specified in ORO.MLR.105(f) are demonstrated by the operator and verified by the competent authority.
- (c) The competent authority shall approve, on a case-by-case basis, the operation of an aircraft outside the constraints of the MEL but within the constraints of the master minimum equipment list (MMEL), if the conditions specified in ORO.MLR.105 are demonstrated by the operator and verified by the competent authority.

ARO.OPS.210 Determination of local area

The competent authority may determine a local area for the purpose of flight crew training and checking requirements.

ARO.OPS.215 Approval of helicopter operations over a hostile environment located outside a congested area

- (a) The Member State shall designate those areas where helicopter operations may be conducted without an assured safe forced landing capability, as described in CAT.POL.H.420.
- (b) Before issuing the approval referred to in CAT.POL.H.420 the competent authority shall have considered the operator's substantiation precluding the use of the appropriate performance criteria.

ARO.OPS.220 Approval of helicopter operations to or from a public interest site

The approval referred to in CAT.POL.H.225 shall include a list of the public interest site(s) specified by the operator to which the approval applies.

ARO.OPS.225 Approval of operations to an isolated aerodrome

The approval referred to in CAT.OP.MPA.106 shall include a list of the aerodromes specified by the operator to which the approval applies.

SUBPART RAMP

RAMP INSPECTIONS OF AIRCRAFT OF OPERATORS UNDER THE REGULATORY OVERSIGHT OF ANOTHER STATE

ARO.RAMP.005 Scope

This Subpart establishes the requirements to be followed by the competent authority or the Agency when exercising its tasks and responsibilities regarding the performance of ramp inspections of aircraft used by third country operators or used by operators under the regulatory oversight of another Member State when landed at aerodromes located in the territory subject to the provisions of the Treaty.

⁽¹⁾ OJ L 315, 28.11.2003, p. 1.

ARO.RAMP.100 General

- (a) Aircraft, as well as their crew, shall be inspected against the applicable requirements.
- (b) In addition to conducting ramp inspections included in its oversight programme established in accordance with ARO.GEN.305, the competent authority shall perform a ramp inspection of an aircraft suspected of not being compliant with the applicable requirements.
- (c) Within the development of the oversight programme established in accordance with ARO.GEN.305, the competent authority shall establish an annual programme for the conduct of ramp inspections of aircraft. This programme shall:
 - (1) be based on a calculation methodology that takes into account historical information on the number and nature of operators and their number of landings at its aerodromes, as well as safety risks; and
 - (2) enable the competent authority to give priority to the inspections of aircraft on the basis of the list referred to in ARO.RAMP.105(a).
- (d) When it so deems necessary, the Agency, in cooperation with the Member States in whose territory the inspection shall take place, shall conduct ramp inspections of aircraft to verify compliance with the applicable requirements for the purpose of:
 - (1) certification tasks assigned to the Agency by Regulation (EC) No 216/2008;
 - (2) standardisation inspections of a Member State; or
 - (3) inspections of an organisation to verify compliance with the applicable requirements in potentially unsafe situations.

ARO.RAMP.105 Prioritisation criteria

- (a) The Agency shall provide competent authorities with a list of operators or aircraft identified as presenting a potential risk, for the prioritisation of ramp inspections.
- (b) This list shall include:
 - (1) operators of aircraft identified on the basis of the analysis of available data in accordance with ARO.RAMP.150(b)(4);
 - (2) operators or aircraft communicated to the Agency by the European Commission and identified on the basis of:
 - (i) an opinion expressed by the Air Safety Committee (ASC) within the context of the implementation of Regulation (EC) No 2111/2005 that further verification of effective compliance with relevant safety standards through systematic ramp inspections is necessary; or
 - (ii) information obtained by the European Commission from the Member States pursuant to Article 4(3) of Regulation (EC) No 2111/2005;
 - (3) aircraft operated into the territory subject to the provisions of the Treaty by operators included in Annex B of the list of operators subject to an operating ban pursuant to Regulation (EC) No 2111/2005;
 - (4) aircraft operated by operators certified in a State exercising regulatory oversight over operators included in the list referred to in (3);
 - (5) aircraft used by a third-country operator that operates into, within or out of the territory subject to the provisions of the Treaty for the first time or whose authorisation issued in accordance with ART.GEN.205 is limited or reinstated after suspension or revocation.
- (c) The list shall be produced, in accordance with procedures established by the Agency, after every update of the Community list of operators subject to an operating ban pursuant to Regulation (EC) No 2111/2005, and in any case at least once every four months.

ARO.RAMP.110 Collection of information

The competent authority shall collect and process any information deemed useful for conducting ramp inspections.

ARO.RAMP.115 Qualification of ramp inspectors

- (a) The competent authority and the Agency shall have qualified inspectors to conduct ramp inspections.
- (b) Ramp inspectors shall:
 - (1) possess the necessary aeronautical education or practical knowledge relevant to their area(s) of inspection;
 - (2) have successfully completed:
 - (i) appropriate specific theoretical and practical training, in one or more of the following areas of inspection:
 - (A) flight deck;
 - (B) cabin safety;
 - (C) aircraft condition;
 - (D) cargo;
 - (ii) appropriate on-the-job training delivered by a senior ramp inspector appointed by the competent authority or the Agency;
 - (3) maintain the validity of their qualification by undergoing recurrent training and by performing a minimum of 12 inspections in every 12-month period.
- (c) The training in (b)(2)(i) shall be delivered by the competent authority or by any training organisation approved in accordance with ARO.RAMP.120(a).
- (d) The Agency shall develop and maintain training syllabi and promote the organisation of training courses and workshops for inspectors to improve the understanding and uniform implementation of this Subpart.
- (e) The Agency shall facilitate and coordinate an inspector exchange programme aimed at allowing inspectors to obtain practical experience and contributing to the harmonisation of procedures.

ARO.RAMP.120 Approval of training organisations

- (a) The competent authority shall approve a training organisation, having its principal place of business in the territory of the respective Member State, when satisfied that the training organisation:
 - (1) has nominated a head of training possessing sound managerial capability to ensure that the training provided is in compliance with the applicable requirements;
 - (2) has available training facilities and instructional equipment suitable for the type of training provided;
 - (3) provides training in accordance with the syllabi developed by the Agency in accordance with ARO.RAMP.115(d);
 - (4) uses qualified training instructors.
- (b) If so requested by the competent authority, the verification of compliance and continuous compliance with the requirements referred to in (a) shall be performed by the Agency.
- (c) The training organisation shall be approved to provide one or more of the following types of training:
 - (1) initial theoretical training;
 - (2) initial practical training;
 - (3) recurrent training.

ARO.RAMP.125 Conduct of ramp inspections

- (a) Ramp inspections shall be performed in a standardised manner using the form established in either Appendix III or Appendix IV.

- (b) When performing a ramp inspection, the inspector(s) shall make all possible efforts to avoid an unreasonable delay of the aircraft inspected.
- (c) On completion of the ramp inspection, the pilot-in-command or, in his/her absence, another member of the flight crew or a representative of the operator shall be informed of the ramp inspection's results using the form established in Appendix III.

ARO.RAMP.130 Categorisation of findings

For each inspection item, three categories of possible non-compliance with the applicable requirements are defined as findings. Such findings shall be categorised as follows:

- (1) a category 3 finding is any detected significant non-compliance with the applicable requirements or the terms of a certificate that has a major influence on safety;
- (2) a category 2 finding is any detected non-compliance with the applicable requirements or the terms of a certificate that has a significant influence on safety;
- (3) a category 1 finding is any detected non-compliance with the applicable requirements or the terms a certificate that has a minor influence on safety.

ARO.RAMP.135 Follow-up actions on findings

- (a) For a category 2 or 3 finding the competent authority, or where relevant the Agency, shall:
 - (1) communicate the finding in writing to the operator, including a request for evidence of corrective actions taken; and
 - (2) inform the competent authority of the State of the operator and, where relevant, the State in which the aircraft is registered and where the licence of the flight crew was issued. Where appropriate, the competent authority or Agency shall request confirmation of their acceptance of the corrective actions taken by the operator in accordance with ARO.GEN.350 or ARO.GEN.355.
- (b) In addition to (a), in the case of a category 3 finding, the competent authority shall take immediate steps by:
 - (1) imposing a restriction on the aircraft flight operation;
 - (2) requesting immediate corrective actions;
 - (3) grounding the aircraft in accordance with ARO.RAMP.140; or
 - (4) imposing an immediate operating ban in accordance with Article 6 of Regulation (EC) No 2111/2005.
- (c) When the Agency has raised a category 3 finding, it shall request the competent authority where the aircraft is landed to take the appropriate measures in accordance with (b).

ARO.RAMP.140 Grounding of aircraft

- (a) In the case of a category 3 finding where it appears that the aircraft is intended or is likely to be flown without completion by the operator or owner of the appropriate corrective action, the competent authority shall:
 - (1) notify the pilot-in-command/commander or the operator that the aircraft is not permitted to commence the flight until further notice; and
 - (2) ground that aircraft.
- (b) The competent authority of the State where the aircraft is grounded shall immediately inform the competent authority of the State of the operator and of the State in which the aircraft is registered, if relevant, and the Agency in the case of a grounded aircraft used by a third-country operator.
- (c) The competent authority shall, in coordination with the State of the operator or the State of Registry, prescribe the necessary conditions under which the aircraft can be allowed to take-off.
- (d) If the non-compliance affects the validity of the certificate of airworthiness of the aircraft, the grounding shall only be lifted by the competent authority when the operator shows evidence that:
 - (1) compliance with the applicable requirements has been re-established;

- (2) it has obtained a permit-to-fly in accordance with Commission Regulation (EC) No 1702/2003 ⁽¹⁾, for aircraft registered in a Member State;
- (3) a permit-to-fly or equivalent document of the State of Registry or the State of the operator for aircraft registered in a third country and operated by an EU or a third country operator; and
- (4) permission from third countries which will be overflown, if applicable.

ARO.RAMP.145 Reporting

- (a) Information collected in accordance with ARO.RAMP.125(a) shall be entered into the centralised database referred to in ARO.RAMP.150(b)(2), within 21 calendar days after the inspection.
- (b) The competent authority or the Agency shall enter into the centralised database any information useful for the application of Regulation (EC) No 216/2008 and its Implementing Rules and for the accomplishment by the Agency of the tasks assigned to it by this Annex, including the relevant information referred to in ARO.RAMP.110.
- (c) Whenever the information as referred to in ARO.RAMP.110 shows the existence of a potential safety threat, such information shall also be communicated to each competent authority and the Agency without delay.
- (d) Whenever information concerning aircraft deficiencies is given by a person to the competent authority, the information referred to in ARO.RAMP.110 and ARO.RAMP.125(a) shall be de-identified regarding the source of such information.

ARO.RAMP.150 Agency coordination tasks

- (a) The Agency shall manage and operate the tools and procedures necessary for the storage and exchange of:
 - (1) the information referred to in ARO.RAMP.145, using the forms as established in Appendices III and IV;
 - (2) the information provided by third countries or international organisations with whom appropriate agreements have been concluded with the EU, or organisations with whom the Agency has concluded appropriate arrangements in accordance with Article 27(2) of Regulation (EC) No 216/2008.
- (b) This management shall include the following tasks:
 - (1) store data from the Member States relevant to the safety information on aircraft landing at aerodromes located in the territory subject to the provisions of the Treaty;
 - (2) develop, maintain and continuously update a centralised database containing all the information referred to in (a)(1) and (2);
 - (3) provide necessary changes and enhancements to the database application;
 - (4) analyse the centralised database and other relevant information concerning the safety of aircraft and of air operators and, on that basis:
 - (i) advise the Commission and the competent authorities on immediate actions or follow-up policy;
 - (ii) report potential safety problems to the Commission and to the competent authorities;
 - (iii) propose coordinated actions to the Commission and to the competent authorities, when necessary on safety grounds, and ensure coordination at the technical level of such actions;
 - (5) liaise with other European institutions and bodies, international organisations and third country competent authorities on information exchange.

ARO.RAMP.155 Annual report

The Agency shall prepare and submit to the Commission an annual report on the ramp inspection system containing at least the following information:

- (a) status of the progress of the system;

⁽¹⁾ OJ L 243, 27.9.2003, p. 6.

- (b) status of the inspections performed in the year;
- (c) analysis of the inspection results with indication of the categories of findings;
- (d) actions taken during the year;
- (e) proposals for further improving the ramp inspection system; and
- (f) annexes containing lists of inspections sorted out by State of operation, aircraft type, operator and ratios per item.

ARO.RAMP.160 Information to the public and protection of information

- (a) Member States shall use the information received by them pursuant to ARO.RAMP.105 and ARO.RAMP.145 solely for the purpose of Regulation (EC) No 216/2008 and its implementing rules and shall protect it accordingly.
 - (b) The Agency shall publish an aggregated information report annually that shall be available to the public containing the analysis of the information received in accordance with ARO.RAMP.145. The report shall be simple and easy to understand, and the source of the information shall be de-identified.
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