

Civil Aviation (Safety of Third Country Aircraft) Regulations 2006

as applied to the Isle of Man

1. ***Citation and commencement***

These Regulations may be cited as the Civil Aviation (Safety of Third-Country Aircraft) Regulations 2006.

2. ***Interpretation***

In these Regulations—

"authorised person" means any person authorised by the Department under regulation 5(1);

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

"the Department" means the [Department of Trade and Industry];

"the Directive" means Council Directive 2004/36/CE;

"European Aviation Safety Agency" means the Agency established by Regulation (EC) No. 1592/2002 of the European Parliament and the Council of 15th July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency;

"international safety standards" has the same meaning as in Article 2(b) of the Directive;

"ramp inspection" means the inspection of an aircraft in accordance with these Regulations;

"ramp inspection report" means a report prepared pursuant to regulation 7(2)(c) setting out the findings of a ramp inspection;

"safety report" means a record of safety information retained by the **Department** in accordance with regulation 9(3);

"State aircraft" has the same meaning as in Article 3 of the Convention on International Civil Aviation (Chicago 1944);

"State of the operator" has the same meaning as in article 155 of the Air Navigation Order 2005; and

"third-country aircraft" has the same meaning as in Article 2(d) of the Directive.

3. *Application*

- (1) Subject to paragraph (2) these Regulations apply to any third-country aircraft that—
 - (a) lands at an aerodrome in the **Isle of Man**, and
 - (b) is suspected by the **Department** of non-compliance with international safety standards.
- (2) These Regulations shall not apply to a State aircraft.

4. *Performance of ramp inspections etc.*

The **Department** shall ensure that—

- (a) an aircraft to which these Regulations apply undergoes a ramp inspection; and
- (b) any ramp inspections or other surveillance measures **prescribed by a decision of the European Commission** pursuant to Article 8(3) of the Directive are performed.

5. *Authorised persons*

- (1) The **Department** may authorise a person (whether by name, class or description), either generally or in relation to a particular case or class of cases, to perform a ramp inspection or to carry out other surveillance measures.
- (2) It shall be the duty of an authorised person to perform such an inspection, to carry out such measures, or to do both, as requested or directed by the **Department**.

6. *Suspicion of non-compliance with international safety standards*

In determining whether an aircraft is suspected of non-compliance with international safety standards the **Department** shall take into account—

- (a) information regarding poor maintenance of or obvious damage or defects to an aircraft;
- (b) reports that an aircraft has performed abnormal manoeuvres since entering the airspace of a member State which give rise to serious safety concerns;
- (c) safety deficiencies revealed by a previous ramp inspection which give rise to concerns that the deficiencies may not have been corrected and the relevant aircraft does not comply with international safety standards;

- (d) evidence that the State in which an aircraft is registered may not be exercising proper safety oversight;
- (e) concerns about the operator of an aircraft which have arisen from—
 - (i) information collected pursuant to regulation 9(1), or
 - (ii) safety deficiencies recorded in a ramp inspection report on any other aircraft used by that operator.

7. Requirements for the performance of ramp inspections

- (1) It shall be the duty of an authorised person to perform each ramp inspection in accordance with the requirements set out in this regulation.
- (2) An authorised person shall—
 - (a) make all possible efforts to avoid unreasonable delay to an aircraft as a result of a ramp inspection;
 - (b) perform the ramp inspection activities described in Annex II to the Directive;
 - (c) prepare a report on the findings of each ramp inspection containing the information specified in the "Ramp Inspection Report" in Annex II to the Directive;
 - (d) on completion of a ramp inspection, inform the commander of the aircraft, or a representative of the operator of the aircraft, of the findings of the inspection; and
 - (e) where a ramp inspection reveals that there are significant safety deficiencies on an aircraft inform the Department.
- (3) Where a ramp inspection report contains information provided voluntarily by an individual the ramp inspection report shall not reveal his identity.

8. Duty to inform the operator etc. of significant safety deficiencies

Where a ramp inspection has revealed significant safety deficiencies the **Department** shall inform:

- (a) the operator of the aircraft, and
- (b) the competent authority of the State of the operator and, where necessary, of the State in which the aircraft is registered.

9. Collection of information

(1) The **Department** shall collect such information as appears to him to be useful for securing the effective enforcement of international safety standards in the Community, which shall include the information described in paragraph (2).

(2) The information referred to in paragraph (1) is—

- (a) significant information relating to aircraft safety, including such information derived from the following sources:
 - (i) pilots' reports,
 - (ii) reports prepared by aircraft maintenance organisations,
 - (iii) reports on reportable occurrences submitted to the **Department** pursuant to **article 57 of the Air Navigation (Isle of Man) Order 2007**,
 - (iv) complaints made in relation to an aircraft or the operator of an aircraft,
 - (v) any organisation other than a competent authority of any member State;
 - (b) information on actions taken by or on behalf of the **Department** following a ramp inspection; and
 - (c) information concerning any actions taken by and the subsequent safety standards of the operator of an aircraft in respect of which a ramp inspection has revealed safety deficiencies.
- (3) The **Department** shall retain a report of any information collected pursuant to paragraph (1) in the form set out in Annex I to the Directive.

10. Use of reports

Where—

- (a) a safety report indicates that there is a potential safety threat, or
- (b) a ramp inspection report states that an aircraft does not comply with international safety standards and may pose a potential safety threat

the **Department** shall without delay send a copy of the **report to the Secretary of State for him to forward** to the competent authority in each member State and to the Commission.

11. The **Department** shall without delay **send to the Secretary of State** a copy of every safety report or ramp inspection report other than a report set out in regulation 10 **for him to forward**:

- (a) to the Commission,
- (b) to the competent authority in each member State at the request of that authority, and
- (c) to the European Aviation Safety Agency at its request.

12. *Provision of information to competent authorities*

At the request of the competent authority in a member State the **Department** shall **send to the Secretary of State:**

- (a) a list of aerodromes in the **Isle of Man** open to international traffic, and
- (b) the number of ramp inspections and third-country aircraft movements at each such aerodrome in any year.

for him to forward to that authority and the competent authorities in all other member States.

13. *Treatment of ramp inspection reports and safety reports*

(1) Where the **Department** is in receipt of a report set out in paragraph (2) it may disclose such a report only for the purposes of these Regulations and the Directive and only to an authorised person.

(2) The reports referred to in paragraph (1) are any report prepared by the competent authority in another member State or retained by another member State pursuant to the Directive.

(3) Information disclosed by the **Department** pursuant to paragraph (1) shall not be disclosed by an authorised person to any other person.

14. *Amendment of the Air Navigation Order 2005*

The Air Navigation Order 2005 shall be amended as follows.

18. *Right of access to aerodromes etc.*

For the purposes of these Regulations an authorised person may enter upon any aerodrome and may enter and inspect an aircraft to which these Regulations apply.