



**ECAC RECOMMENDATION ON THE
SAFETY OF FOREIGN AIRCRAFT**

RECOMMENDATION ECAC/22-1

SUPERSEDING RECOMMENDATIO ECAC/21-2

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ECAC RECOMMENDATION ON THE SAFETY OF FOREIGN AIRCRAFT

RECOMMENDATION ECAC/22-1

Superseding Recommendation ECAC/21-2

RECOGNIZING

that one of the elements of the ECAC/JAA Aviation Safety Action Programme comprises the strengthening of controls over the safety of foreign aircraft,

that increasing the number of ramp checks on aircraft comprises one factor for the strengthening of such controls,

that all Member States are bound by the provisions of the Chicago Convention and its Annexes and in particular by Article 33 which requires the recognition of certain certificates and licenses as valid provided that the requirements under which they were issued or rendered valid are equal to or above ICAO minimum standards,

that provision in bilateral agreements could provide a basis for strengthening controls over the safety of foreign aircraft through both general provision and provision enabling random ramp checks,

that it is desirable for Member States to have available to them a model aviation safety clause for incorporation into their bilateral agreements,

THE CONFERENCE ADOPTS THE FOLLOWING RECOMMENDATION :

ECAC Member States are urged to consider the inclusion of an aviation safety clause into their aviation bilateral agreements as and when the opportunity arises using as a model the clause set out below.

MODEL STANDARD BILATERAL CLAUSE ON SAFETY

1. Each Party may request consultations at any time concerning safety standards in any area relating to aircrew, aircraft or their operation adopted by the other Party. Such consultations shall take place within 30 days of that request.

2. If, following such consultations, one Party finds that the other Party does not effectively maintain and administer safety standards in any such area that are at least equal to the minimum standards established at that time pursuant to the Chicago Convention, the first Party shall notify the other Party of those findings and the steps considered necessary to conform with those minimum standards, and that other Party shall take appropriate corrective action. Failure by the other Party to take appropriate action within 15 days or such longer period as may be agreed, shall be grounds for the application of Article X of this Agreement (revocation, suspension and variation of operating authorizations).

3. Notwithstanding the obligations mentioned in Article 33 of the Chicago Convention it is agreed that any aircraft operated by or, under a lease arrangement, on behalf of the airline or airlines of one Party on services to or from the territory of another Party may, while within the territory of the other Party, be made the subject of an examination by the authorized representatives of the other Party, on board and around the aircraft to check both the validity of the aircraft documents and those of its crew and the apparent condition of the aircraft and its equipment (in this Article called “ramp inspection”), provided this does not lead to unreasonable delay.

4. If any such ramp inspection or series of ramp inspections gives rise to :

- a) serious concerns that an aircraft or the operation of an aircraft does not comply with the minimum standards established at that time pursuant to the Chicago Convention, or
- b) serious concerns that there is a lack of effective maintenance and administration of safety standards established at that time pursuant to the Chicago Convention,

the Party carrying out the inspection shall, for the purposes of Article 33 of the Chicago Convention, be free to conclude that the requirements under which the certificate or licences in respect of that aircraft or in respect of the crew of that aircraft had been issued or rendered valid, or that the requirements under which that aircraft is operated, are not equal to or above the minimum standards established pursuant to the Chicago Convention.

5. In the event that access for the purpose of undertaking a ramp inspection of an aircraft operated by or on behalf of the airline or airlines of one Party in accordance with paragraph 3 above is denied by the representative of that airline or airlines, the other Party shall be free to infer that serious concerns of the type referred to in paragraph 4 above arise and draw the conclusions referred in that paragraph.

6. Each Party reserves the right to suspend or vary the operating authorization of an airline or airlines of the other Party immediately in the event the first Party concludes, whether as a result of a ramp inspection, a series of ramp inspections, a denial of access for ramp inspection, consultation or otherwise, that immediate action is essential to the safety of an airline operation.

7. Any action by one Party in accordance with paragraphs 2 or 6 above shall be discontinued once the basis for the taking of that action ceases to exist.

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