

Air transport: list of air carriers subject to an operating ban within the Community and informing passengers of the identity of the operating air carrier

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The Commission presents its report on the application of Regulation (EC) N° 2111/2005 regarding the establishment of a Community list of air carriers subject to an operating ban within the Community ('EC list') as required under that Regulation. To date, the application of the Regulation has led to 12 updates of the EC list. Since the establishment of the first list in March 2006, the Commission has investigated more than 400 air carriers from more than 30 countries. At the time of its twelfth update (November 2009) the EC list comprised 5 individual carriers, as well as all carriers (at least 228) certified in 15 non - EU countries in Annex A and 8 air carriers in Annex B. The Commission notes that, with unfailing cooperation from the European Parliament and National Aviation Authorities of Member States, it has always adopted the agreed draft list within the shortest time possible, aware of the direct importance of these measures on aviation safety and on EU citizens travelling around the world.

An assessment of the functioning of the Regulation: the evolution of the EC list can be described as a success story from every angle. It is now regarded internationally as an effective tool in ensuring a high level of safety to the benefit of the travelling public by the enforcement of the relevant air safety standards. There have been a number of cases where air carriers subject to a ban have acknowledged that their safety performance fell below the internationally accepted standards and embarked upon remedial actions. As a result these air carriers have been removed from the list. This shows that the ban is a temporary and proportionate measure. In a number of instances States have acted proactively by either suspending the Air Operator's Certificates of the relevant air carriers or imposing strict restrictions on their operation into the airspace of Member States. Subsequently these States initiated comprehensive remedial actions whereby the suspension has been lifted. This process, whereby cases are solved through a cooperative exchange between the Commission and the parties concerned without the need to resort to a ban as a punitive measure of last resort, have been an increasing trend.

A clear indication of the relevance ascribed to the EC list beyond Europe, is the decision by a number of non-European States voluntarily to follow the list. Through regular exchange of safety information with ICAO the Commission has been able to refine its understanding of the safety situation in various regions in the world and been able to adapt its technical assistance projects.

The EC list has fostered a closer cooperation between the Community and non-EU countries as well as international organisations. Since 2005 the Commission has been financially contributing in various projects led by ICAO that are mainly intended to improve air safety, provide training to civil aviation administration personnel and further assistance regarding operations, aerodromes, ATM, environment.

Lessons for the future: the application of the EC list has demonstrated, on the one hand, that it is a successful tool for ensuring a high level of safety in the Community. On the other hand this tool cannot be seen as a blanket cover for the safety performance of airlines. It has twofold limitations: 1) inclusion on the EC list depends on available and verifiable information; 2) inclusion on the EC list constitutes an operating ban only to Europe, while banned airlines continue to fly to other regions of the world. Therefore, exchange of verifiable and reliable information needs to be promoted at the international level. The objective of establishing and maintaining a high level of safety world-wide can only be reached if

ICAO safety standards are actually complied with. Therefore appropriate actions need to be taken to ensure that these standards are effectively respected both at the level of the State and by individual air carriers.

There are a number of areas where the Commission intends to further develop its policy both in terms of internal and external measures.

Internal measures: these include the following:

- ***refining the regulatory framework for imposing/removing operating bans:*** the Commission will propose measures to clarify: actions to be taken by Member States affected by an attempted breach of the EC ban (including overflight); definitions of flights that are not affected by an operating ban (e.g. ferry flights, inspection flights, private flights, state flight, technical flights etc.); and a way to record the decision taken by countries around the world to limit the air operator certificates of their air carriers concerning flights into the EU;
- ***strengthening the EC SAFA Programme:*** the Commission is looking to further refine the existing legal instruments by introducing minimum number of inspections by Member States to strengthen the reliability of the results of such inspections;
- ***modernising the EC system for accident investigation:*** the Commission adopted proposals ([COM \(2009\)0611](#)) to modernise the existing legal framework on accident investigation and strengthen the EU's investigating capacity;
- ***increasing technical assistance projects and activities:*** the Commission remains committed to various technical assistance projects to help civil aviation authorities to overcome their problems in the most effective way, notably in the African continent with the support of EASA.

International measures: these include the following:

- ***stronger ties with non-EU countries:*** the Commission intends to strengthen its cooperation with strategic partners in order to facilitate the exchange of safety data and establish a network of trusted interlocutors for evaluating not only the safety aspects of various organisations in manufacture, operation, maintenance and training, but also the application of safety programmes at State level;
- ***broadening the exchange of safety data:*** the results of the EC SAFA Programme as used in the application of Regulation 2111/2005 show that the Community is well equipped to cooperate with non-EU States by proposing to develop, at international level, a programme for ramp inspections of aircraft following procedures which are very familiar to the Community;
- ***world-wide banning of unsafe air carriers:*** the application of Regulation (EC) 2111/2005 has demonstrated that the international community should consistently follow ICAO Standards and Recommended Practices (SARPS). To encourage respect for these standards, the Commission intends to propose that the Council of ICAO proceeds to a series of actions recommended in this report, including the open publication of significant safety concerns raised after USOAP audits for the information of the public at large.