

# 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

2005/0008(COD) - 11/01/2010 - Follow-up document

The Commission presents a staff working document on the report regarding the application of Regulation (EC) N° 2111/2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community. It recalls that the need to adopt rules on this resulted from weaknesses in the enforcement of the internationally agreed safety standards – those of the 1944 Chicago Convention (creating ICAO - the International Civil Aviation Organisation) and its annexes. For this reason, the Regulation provided for the imposition of a total or a partial ban where substantiated evidence from objective, transparent and quantifiable criteria showed that ICAO safety standards were not being followed by air carriers.

Over the three years since it came into existence, its application has served as a clear demonstration of the value-added by the Community system in the field of air safety. Rather than being employed as a punitive instrument, the EC list has proved to be an **efficient dissuasive measure**, which, above all, seeks to identify ex ante, serious air safety deficiencies with potentially disastrous repercussions. It has also functioned as a strong incentive to air carriers and civil aviation authorities to continuously improve safety. Where a ban was agreed it was always a temporary measure which would last only until the air carriers and where appropriate, their regulatory authorities could prove that they had addressed the identified shortcomings and were meeting the relevant safety standards.

The report carries out an analysis of the common criteria for deciding the imposition of an operating ban. These common criteria are grouped in three areas: a) objective evidence showing deficiencies on the part of the air carrier; b) lack of ability or willingness by an air carrier to address safety deficiencies and c) lack of ability or willingness of the civil aviation authority with responsibility of oversight of the air carrier(s) in question to address safety deficiencies. It also looks at cooperation with third countries in the framework of Regulation (EC) No 2111/2005 and notes that the EC list has fostered a closer cooperation between the Community and non-EU countries as well as international organisations, in order to verify compliance by air carriers with the relevant safety standards and therefore improve international air safety oversight in general. In this context, besides its ever growing ties with ICAO Secretariat, the Commission has established several lines of communication with a number of States and organisations (e.g. Australia, Brazil, Canada, Iran, Japan, Morocco, Tunisia, the Russian Federation, Saudi Arabia, and the United States of America) for the exchange of safety-related information.

Close liaisons are also maintained with the International Air Transport Association (IATA) in order to ensure a better mutual understanding regarding the EC list.

The report gives details of the various ICAO led projects to which the Commission has been contributing. The application of the EC list has demonstrated, on the one hand, that it is a successful tool to contribute to 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 further strengthened at the international level. Indeed the

application of the EC list over the last three years has shown that 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. The various areas where the Commission intends to further develop its policy both in terms of internal and external measures are presented in the Commission's report on the application of Regulation (EC) No 2111/2005.