# Commission Implementing Regulation (EU) 2015/1014 of 25 June 2015 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community (Text with EEA relevance)

## COMMISSION IMPLEMENTING REGULATION (EU) 2015/1014

## of 25 June 2015

## amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community

## (Text with EEA relevance)

THE EUROPEAN COMMISSION

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 2111/2005 of the European Parliament and the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air passengers of the identity of the operating carrier, and repealing Article 9 of Directive 2004/36/CE[(1)], and in particular Article 4(2) thereof,

Whereas:

(1) Commission Regulation (EC) No 474/2006[(2)] established the list of air carriers which are subject to an operating ban within the Union, referred to in Chapter II of Regulation (EC) No 2111/2005.

(2) In accordance with Article 4(3) of Regulation (EC) No 2111/2005, some Member States and the European Aviation Safety Agency ('EASA') communicated to the Commission information that is relevant in the context of updating that Union list. Relevant information was also communicated by certain third countries. On the basis of that information and the verifications carried out by the Commission, the Union list should now be updated.

(3) The Commission informed all air carriers concerned, either directly or through the authorities responsible for their regulatory oversight, about the essential facts and considerations which would form the basis for a decision to impose on them an operating ban within the Union or to modify the conditions of an operating ban imposed on an air carrier which is included in the Union list.

(4) The Commission gave the air carriers concerned the opportunity to consult the documents provided by the Member States, EASA and the third countries concerned, to submit written comments and to make an oral presentation to the Commission and to the Air Safety Committee established by Council Regulation (EEC) No 3922/1991[(3)].

(5) The Commission updated the Air Safety Committee on the on-going joint consultations, in the framework of Regulation (EC) No 2111/2005 and its implementing Regulation (EC) No 473/2006[(4)], with competent authorities and air carriers of Angola, Botswana,

Democratic Republic of Congo, Gabon, Ghana, India, Indonesia, Iran, Kazakhstan, Lebanon, Libya, Madagascar, the Islamic Republic of Mauritania, Mozambique, the Philippines, Sudan, Thailand, Yemen and Zambia. The Air Safety Committee also received information from the Commission on Afghanistan, Benin, the Republic of Guinea, the Kyrgyz Republic, Nepal, North Korea, São Tomé and Príncipe, and Taiwan and it was updated by the Commission on technical consultations with the Russian Federation.

(6) EASA presented to the Commission and the Air Safety Committee the results of the analysis of audit reports carried out by the International Civil Aviation Organisation ('ICAO') in the framework of ICAO's Universal Safety Oversight Audit Programme ('USOAP'). In this context, the importance was recalled of Member States prioritising ramp inspections on air carriers licensed by States in respect of which Significant Safety Concerns have been identified by ICAO or in respect of which EASA concluded that there are significant deficiencies in the safety oversight system. In addition to the consultations undertaken by the Commission under Regulation (EC) No 2111/2005, such prioritisation is expected to allow the acquisition of further information regarding the safety performance of the air carriers licensed in those states.

(7) EASA presented to the Commission and the Air Safety Committee the results of the analysis of ramp inspections carried out under the Safety Assessment of Foreign Aircraft ('SAFA') programme in accordance with Commission Regulation (EU) No 965/2012[(5)].

(8) EASA also updated the Commission and the Air Safety Committee on the technical assistance projects carried out in States affected by measures or monitoring under Regulation (EC) No 2111/2005. EASA set out its plans in this respect and provided information regarding requests for further technical assistance and cooperation to improve the administrative and technical capability of civil aviation authorities with a view to helping resolve any non-compliance with applicable international standards. Member States were invited to respond to those requests on a bilateral basis in coordination with the Commission and EASA. In this regard, the Commission underlined the usefulness of providing information to the international aviation community, particularly through ICAO's Safety Collaborative Assistance Network database, on technical assistance provided by the Union and by its Member States, to improve aviation safety around the world.

(9) Eurocontrol updated the Commission and the Air Safety Committee on the status of the SAFA alarming function and on the current statistics for alert messages for banned carriers.

**Union air carriers**

(10) Following the analysis by EASA of information resulting from ramp inspections carried out on aircraft of Union air carriers or from standardisation inspections carried out by EASA, as well as specific inspections and audits carried out by national aviation authorities, several Member States have taken certain enforcement measures and informed the Commission and the Air Safety Committee about those

measures. Estonia informed that the Estonian Civil Aviation Authority performed an audit on the air carrier *AS Avies* and that the findings are being addressed by the air carrier.

(11) Member States reiterated their readiness to act appropriately where relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance by Union air carriers with the appropriate safety standards.

**Air carriers from Angola**

(12) Regulation (EC) No 474/2006, as amended by Commission Implementing Regulation (EU) No 1197/2011[6], allows *TAAG Angola Airlines* certified in Angola, to operate into the Union four aircraft of type Boeing 737-700 with registration marks D2-TBF, D2-TBG, D2-TBH and D2-TBJ, three aircraft of type Boeing 777-200 with registration marks D2-TED, D2-TEE and D2-TEF, and two aircraft of type Boeing 777-300 with registration marks D2-TEG and D2-TEH.

(13) *TAAG Angola Airlines* has submitted on 21 November 2014, through the competent authorities of Angola ('INAVIC'), a request to add a new aircraft of type Boeing 777-300 to Annex B to Regulation (EC) No 474/2006. Following an invitation by the Commission both INAVIC and *TAAG Angola Airlines* attended a technical consultation meeting in Brussels on 25 February 2015 where the current safety situation was thoroughly reviewed in all its aspects, including with regard to the addition of new aircraft to the fleet of *TAAG Angola Airlines.*

(14) INAVIC have focused their effort mainly on the alignment of the legal framework with international requirements, improvement of the infrastructure (radio coverage of their territory) and reinforcement of the licencing requirements for personnel and organisations as well as oversight of the existing operators. As this last activity does not yet fully meet the required international safety standards because the certification of operators is not a sufficiently robust process, there is no room for a relaxation of the current ban on all carriers certified by INAVIC other than *TAAG Angola Airlines*. The Commission noted that there is an improvement in the communication and coordination between INAVIC and *TAAG Angola Airlines*, with meetings taking place regularly to discuss all aspects of the air carrier's operations.

(15) *TAAG Angola Airlines* advised on the renewal and expansion of the fleet, with the withdrawal of the B737-200 and B747-300 Combi aircraft and the purchase of new B777-200, B777-300ER and B737-700 aircraft, complemented by a strong focus on quality of operations, engineering and maintenance and growth. Pilot training has been significantly improved with the help of external consultants. Safety has been further bolstered with the introduction of a non-punitive, anonymised occurrence reporting mechanism. This information, together with a comprehensive FDM (Flight Data Monitoring) analysis, is now systematically used to identify and prevent the re-occurrence of past incidents or anomalies and is fed back into the pilot training programme.

(16) In the context of the third country operator authorisation process[7], *TAAG Angola Airlines* has been engaged in a continuous dialogue with EASA since November 2014 and has been supplying factual and detailed data on their fleet of aircraft and operations.

(17) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the Union list of air carriers which are subject to an operating ban within the Union should be amended to include the additional aircraft of type Boeing 777-300 with registration mark D2-TEI of *TAAG Angola Airlines* in Annex B to Regulation (EC) No 474/2006 which would be allowed to operate in the Union.

(18) Member States are to continue to verify effective compliance by *TAAG Angola Airlines* with the relevant safety standards, through the prioritisation of ramp inspections to be carried out on aircraft of this air carrier pursuant to Regulation (EU) No 965/2012.

**Air carriers from Botswana**

(19) At the request of the Commission, the Civil Aviation Authority of Botswana provided information on the progress of the resolution of the Significant Safety Concerns and other ICAO findings by letter of 30 January 2015. Further progress has been shown by the Civil Aviation Authority of Botswana with respect to the implementation of international safety standards. The Civil Aviation Authority of Botswana is encouraged to seek verification by ICAO of the resolution of the Significant Safety Concerns.

(20) The safety information available does not support a decision to impose a ban or operational restrictions on air carriers certified in Botswana. However, the Commission considers that the situation should continue to be closely monitored.

(21) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that there are at this stage no grounds for amending the Union list of air carriers which are subject to an operating ban within the Union by including air carriers from Botswana.

**Air carriers from the Democratic Republic of Congo**

(22) All air carriers certified in the Democratic Republic of Congo have been included in Annex A of Regulation (EC) No 474/2006 since March 2006[8].

(23) By letter of 27 May 2015, the competent authorities of the Democratic Republic of Congo, the Autorité de l'Aviation Civile (‘AAC’), informed the Commission that the Air Operator Certificates of the air carriers *Air Baraka*, *Biega Airways*, *Cetrac Aviation Service SPRL*, *Congo Express*, *GIS'AIR*, *Goma Express*, *GTRA*, *Katanga Express*, *Okapi Airlines*, *Patron Airways*, *Pegasus Aviation*, *Sion Airlines* and *Tracep Congo* had been revoked and therefore these air carriers should be removed from Annex A to Regulation (EC) No 474/2006.

(24) On 4 June 2015, AAC provided the Commission with additional information that shows that the Air Operator Certificates of the air carriers *African Air Service Commuter*, *Air Castilla*, *Air Malebo*, *Armi Global Business Airways*, *Business Aviation*, *CHC Stellavia*, *Eagles Services*, *Ephrata Airlines*, *Filair*, *Fly Congo*, *Galaxy Kavatsi*, *International Trans Air Business*, *Jet Congo Airlines*, *Katanga Wings*, *Lignes Aériennes Congolaises*, *Mavivi Air Trade*, *Safe Air*, *Stellar Airways*, *Waltair Aviation* and *Wimbi Dira Airways* had been revoked and therefore these air carriers should be removed from Annex A to Regulation (EC) No 474/2006.

(25) AAC also informed the Commission that an operating licence had been issued to the air carriers *Dakota SPRL*, *Malu Aviation*, *Serve Air* and *Congo Airways* without demonstrating that the certification and oversight of this air carrier fully comply with the applicable international safety standards. These air carriers should therefore be added to Annex A to Regulation (EC) No 474/2006.

(26) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore considered that the Union list of air carriers which are subject to an operating ban within the Union should be amended to remove the air carriers *African Air Service Commuter*, *Air Baraka*, *Air Castilla*, *Air Malebo*, *Armi global Business Airways*, *Biega Airways*, *Business Aviation*, *Cetrac Aviation Service SPRL*, *CHC Stellavia*, *Congo Express*, *Eagles Services*, *Ephrata Airlines*, *Filair*, *Fly Congo*, *Galaxy Kavatsi*, *GIS'AIR*, *Goma Express*, *GTRA*, *International Trans Air Business*, *Jet Congo Airlines*, *Katanga Express*, *Katanga Wings*, *Lignes Aériennes Congolaises*, *Mavivi Air Trade*, *Okapi Airlines*, *Patron Airways*, *Pegasus Aviation*, *Safe Air*, *Sion Airlines*, *Stellar Airways*, *Tracep Congo*, *Waltair Aviation* and *Wimbi Dira Airways* from Annex A to Regulation (EC) No 474/2006 and to add the air carriers *Dakota*, *Malu Aviation*, *Serve Air* and *Congo Airways* to Annex A to Regulation (EC) No 474/2006.

**Air carriers from Gabon**

(27) The air carriers *Air Services SA* and *SCD Aviation* have been included in Annex A since July 2008. The air carrier *Gabon Airlines* was allowed since July 2008 to operate in the EU only with the aircraft of type Boeing 767-200 with registration marks TR-LHP under the conditions contained in recital (15) of Regulation (EC) No 715/2008[(9)].

(28) On 5 June 2015, the competent authorities of Gabon provided the Commission with evidence of the revocation of the Air Operator Certificate ('AOC') of the air carriers *Air Services SA*, *SCD Aviation* and *Gabon Airlines*, and therefore these air carriers should be removed from the Union list of air carriers subject to a ban or operating restrictions.

(29) The competent authorities of Gabon informed the Commission of the issuance of a new AOC to the air carrier *Tropical Air Gabon* on 6 May 2015 without demonstrating that the certification and oversight of this air carrier fully comply with