

Brussels, 17 March 2006

## **Questions and answers on the aviation blacklist**

### **1. Will lists published by some Member States continue to exist alongside this one?**

If bans are imposed at European level on the basis of common criteria, Member States no longer need to publish their own lists as this would only lead to confusion. However, the Member States have an important role to play in publicising and updating the European list.

### **2. Will this first European list simply be a compilation of existing national lists?**

No. The first list will be based on all the bans which are already in force in the Member States, whether they have decided to make them public or not. Furthermore, with the help of experts on its Aviation Safety Committee, the Commission will verify whether a ban at European level can be justified based on the common safety criteria.

If a national ban has been imposed on the basis of factors other than safety or if the airlines or authorities responsible for their supervision are able to show that they now comply with safety standards, the previous national bans will not be imposed at European level.

### **3. How can an airline be cleared and taken off the list?**

The Commission will adopt detailed rules of procedure for the list to be updated at the same time as it approves the first list. If an airline feels that it should be taken off the list because it again complies with the relevant safety standards, it can contact the Commission or a Member State, either directly or through its civil aviation authority. Only the Commission or the Member States may ask for the list to be updated. The committee of aviation safety experts will then assess the evidence presented by the airline or the supervisory authority. The Commission will then take a decision based on the committee's opinion. The same procedure will apply if an airline is to be added to the list.

### **4. How is an airline added to the list?**

The procedure is the same as that for updating the list. If a Member State or the Commission discover or are informed of shortcomings in an airline or its supervisory authority, they can ask for the list to be revised immediately. A decision is then taken in the light of the common safety criteria.

## **5. What do the common safety criteria cover?**

These objective and transparent criteria were drawn up on the basis of work undertaken by the committee of aviation safety experts taking account of the experience of Member States. They focus mainly on the results of checks carried out in European airports, the use of poorly maintained, antiquated or obsolete aircraft, the inability of the airlines involved to rectify the shortcomings identified during the inspections and the inability of the authority responsible for overseeing the airline to perform this task.

The Commission will only take a decision to impose a complete or partial ban on an airline after it has analysed these different factors on a case-by-case basis and held a detailed consultation with the committee of experts.

## **6. How often is the list updated and what is the timeframe for this? Is there not a risk that it will quickly become obsolete?**

The list is updated as often as is necessary and at least every three months. Of course, every decision to impose a ban must be the result of a careful assessment and must comply with rights of defence. However, this can be done very quickly in urgent cases.

## **7. Won't this mechanism prevent the Member States from taking safety measures at national level?**

The general principle is that these measures are taken jointly on the basis of common criteria and that they apply throughout the European Union. However, there is scope for Member States to continue to act at national level in certain exceptional cases, particularly in emergencies or in response to a safety issue specifically affecting that State.

## **8. Under what circumstances can the Commission take the initiative to impose a ban without this being based on an action launched by a Member State?**

If the Commission is informed, in particular by the European Aviation Safety Agency (EASA), of an emergency or a serious situation affecting an airline, it can act without waiting for a reaction from a Member State. It can, in particular, present the case to the committee of aviation safety experts and take appropriate action on the basis of their opinion.

## **9. What are airlines' "rights of defence"?**

Airlines which may be banned have the right to express their points of view. They can also submit comments in writing, add new items to their file, and ask to be heard by the Commission or to attend a hearing before the Aviation Safety Committee. They may be assisted in this by the civil aviation authority responsible for their supervision.

## **10. Is there not a risk of retaliation by affected Member States?**

We are working to explain that this is about putting the safety of our citizens first. Consultations have been held with the civil aviation authorities responsible for supervising the airlines concerned. Our sole aim is to improve aviation safety, which is in everyone's interests, and in no way to affect a country's economic or social development. We also propose that countries affected set up technical assistance measures to help them achieve a satisfactory level of aviation safety.

**11. In what way will publishing the European blacklist help European citizens travelling abroad?**

Publishing the European blacklist provides useful information to people wishing to travel outside the European Union where flight bans do not apply. The Commission advises them to avoid travelling with these airlines if at all possible.

The list also improves the rights of consumers who have bought a trip at a travel agent which includes a flight operated by an airline on the blacklist.

**12. Why was it not decided to publish a list of States with inadequate aviation safety records as is done by the United States?**

Because we feel that each airline's situation should be assessed on a case-by-case basis. However, if it turns out that a State is not able to perform checks on the airlines based on its territory, we can also ban all that State's airlines. This was also an option when compiling the first list.

**13. Why not just publish the existing ICAO list?**

The decision to publish the list of States which the ICAO considers are unable to apply the minimum international standards can, for obvious reasons, only be taken at international level. It is clear that all the aviation supervisory authorities need to have access to all the information gathered by the ICAO's inspectors, which is what we achieved at the last ICAO General Meeting last September. We will use these new data to impose bans on airlines where needed. However, at the next ICAO conference (20-22 March in Montreal) we will ask for even greater efforts to be made in terms of transparency.

**14. Is it not necessary to review ramp inspections (SAFA checks) in order for the Community list to work properly? They are insufficient, too superficial and administrative!**

SAFA checks are in fact technical and not administrative at all. The factors which are inspected (there are up to 53!) have a direct impact on passenger safety. SAFA inspectors are the equivalent of traffic police for cars. But clearly the engine cannot be taken out of an aeroplane when it stops at an airport... It is up to the State in which the plane is registered to check it thoroughly.

Nevertheless, it is possible to step up the checks carried out. The Commission is working with the European Aviation Safety Agency, the Aviation Safety Committee and all the Member States to improve the SAFA programme, particularly in terms of inspection procedures on the ground, targeting inspections and managing the data gathered.

**15. Will wet-leasing not allow banned airlines to continue operating?**

Prohibited airlines, even those completely banned, may sometimes sell tickets under their name and using their own code. But the flights must be operated by aircraft and staff belonging to other airlines which are deemed to be safe. This is done through wet-leasing. Under Regulation (EC) No 2111/2005 it is obligatory to inform passengers who buy these tickets which airline will operate the flight.

**16. How will the list be made accessible to the public?**

The European list will be published shortly in the Official Journal of the European Union. Everyone will be able to access it, either on the Commission's website, or the websites of the European Aviation Safety Agency or the national civil aviation authorities. Travel agents and airports will also be obliged to display the list.