



## EUROPEAN CIVIL AVIATION CONFERENCE

### **RECOMMENDATION ECAC/29-1**

#### **ECAC-WIDE APPLICATION OF THE COMMUNITY LIST OF CARRIERS SUBJECT TO AN OPERATING BAN**

- WHEREAS** Directors General of Civil Aviation approved in the Summer 2005 an action plan, the objective of which is to maintain and enhance the already high level of safety in aviation in Europe;
- ENDORSING** the request from Directors General that the action plan should be implemented on a pan-European basis and in full partnership between EU and ECAC (and its associated body JAA) with a view to achieving synergies, avoiding duplication and, more importantly, filling gaps;
- WELCOMING** adoption of EU Regulation No 2111/2005 laying down provisions for the establishment of the Community list of carriers subject to an operating ban and setting out common criteria for the imposition of such bans;
- NOTING** that criteria in question include safety deficiencies identified by ramp inspections performed under the ECAC SAFA Programme, implementation of which is carried out on a pan-European basis; and
- NOTING** that the Community list of operating bans can take into consideration SAFA findings made during ramp inspections performed also by non-EU ECAC States and that non-EU ECAC States are allowed to ban other air carriers according to their own SAFA-findings.

#### **THE CONFERENCE**

**RECOMMENDS** that civil aviation administrations of Member States adopt the common criteria, as set out in the Attachment, for imposing an operating ban on an air carrier, which shall be based on the relevant safety standards;

**RECOMMENDS** that civil aviation administrations of Member States, when considering the imposition of an operating ban upon an air carrier flying into its airports, take into account the Community list of air carriers subject to an operating ban within the European Community published in the Commission Regulation (EC) No 474/2006 and the facts and considerations on the basis of which the decision was taken to include an air carrier in the Community list in question;

**URGES** Member States, not yet doing so, to participate in the SAFA Programme and, in particular, to enter into the SAFA database their inspection reports with a view to facilitating the implementation of the common criteria and their pan-European application and to participate in the SAFA alarming function.

## **ATTACHMENT**

### **COMMON CRITERIA FOR CONSIDERATION OF AN OPERATING BAN FOR SAFETY REASONS**

Decisions on imposition of an operating ban should be taken according to the merits of each individual case. Depending upon the merits of each case, a carrier or all the carriers certified in the same State might be suggested for an operation ban.

In considering whether an air carrier should be totally or partially banned, it shall be assessed whether the air carrier is meeting the relevant safety standards taking into account the following:

1. Verified evidence of serious safety deficiencies on the part of an air carrier:
  - Reports showing serious safety deficiencies, or persistent failure by the carrier to address deficiencies identified by ramp inspections performed under the SAFA Programme previously communicated to the carrier.
  - Information on serious safety deficiencies gathered otherwise.
  - Operating ban imposed on a carrier by another country because of substantiated deficiencies related to international safety standards.
  - Substantiated accident-related information or serious incident-related information indicating latent systemic safety deficiencies.
2. Lack of ability and/or willingness of an air carrier to address safety deficiencies as demonstrated by:
  - Lack of transparency or adequate and timely communication on the part of a carrier in response to an enquiry by the civil aviation authority of a Member State regarding the safety aspect of its operation.
  - Inappropriate or insufficient corrective action plan presented in response to an identified serious safety deficiency.
3. Lack of ability and/or willingness of the authorities responsible for the oversight of an air carrier to address safety deficiencies as demonstrated by:
  - Lack of co-operation with the civil aviation authority of a Member State by the competent authorities of another State when concerns about the safety of the operation of a carrier licensed or certified in that State have been raised.
  - Insufficient ability of the competent authorities with regulatory oversight of the carrier to implement and enforce the relevant safety standards. Particular account should be taken of the following:
    - a) audits and related corrective action plans established under ICAO's Universal Safety Oversight Audit Programme;
    - b) whether the operating authorisation or technical permission of any carrier under the oversight of that State has previously been refused or revoked by another State;
    - c) the Air Operator's Certificate has not been issued by the competent authority of the State where the carrier has its principle place of business.
  - Insufficient ability of the competent authorities of the State in which the aircraft used by the air carrier is registered to oversee the aircraft used by the carrier in accordance with its obligations under the Chicago Convention.