

BY LINDA WERFELMAN

CHECKING THE LIST

A European review praises the EU's airline blacklist as an effective safety tool.

The European Union (EU) blacklist of airlines banned from operating in member nations has — in the three years of its existence — proved to be “an efficient dissuasive measure,” according to a report adopted by the European Commission (EC).

The list has been so effective that it should be used as part of a system of expanded international cooperation to enforce safety standards, the report recommended.

The blacklist, first issued in March 2006, has been updated 12 times, most recently in November 2009. The next update is due early this year. According to the November list, all air carriers from 15 non-EU countries, as well as five individual carriers, were banned from operating within the EU. In addition, eight carriers were permitted to operate only under specific conditions (*ASW*, 11/09, p. 10).

The EC report praised the list as “a success story from every angle” and said that it is



Many countries outside Europe also have monitored the list and banned the carriers that it names from operations in their jurisdictions.

“regarded internationally as an effective tool in ensuring a high level of safety to the benefit of the traveling public.”

The report added, “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, and demonstrated the successful completion of, remedial and corrective actions. As a result, these carriers have been removed from the list. ... On a different but related note, a number of carriers are regularly removed from the EC list as a result of their cessation of operations and the revocation of their air operator certificate by their regulatory authorities, in many cases as a direct result of the EC ban.”

Comprehensive Actions

In other cases, when a country has been given evidence of safety deficiencies in the operations conducted by one of their air carriers, that country has acted on its own either to suspend the operator certificate held by the affected company or to impose restrictions on its flight operations. After these countries ordered “comprehensive remedial and corrective actions” and determined that adequate corrections had been made, they lifted the suspensions or ended the restrictions.

“This process, whereby cases are solved through a cooperative exchange between the [EC] and the parties concerned without the need to resort to a ban as a punitive measure of last resort, [has] been an increasing trend,” the report said.

The report also noted that many countries outside Europe also have monitored the list and banned the carriers that it names from operations in their jurisdictions.

In recent updates of the list, the results of the International Civil Aviation Organization (ICAO) Universal Safety Oversight Audit Programme (USOAP) — which audits ICAO member states, not individual airlines — have been increasingly significant, the report said.

“The [European] Community¹ has been imposing operating bans on air carriers from

states whose performance is characterized by a very high level of noncompliance with ICAO standards and recommended practices (SARPs),” the report said. “The Community has strived to enforce international safety standards by requiring air carriers and the authorities responsible for their safety oversight to satisfactorily resolve the safety deficiencies identified in USOAP audit reports before they can resume (or begin) operations into the European Community.”

The report said that countries that have been found by USOAP audits to have what the EU views as “considerable problems” implementing ICAO SARPs — that is, to have failed to implement more than 75 percent of the SARPs — typically have also had their air carriers banned from operating in the European Community.

The report said that the existence of the list has encouraged cooperation between the European Union, non-European air carriers and international organizations in verifying carrier compliance with relevant safety standards.

Limitations

Despite the blacklist’s contributions to aviation safety, the report said that it “cannot be seen as a blanket cover for the safety performance of airlines,” largely because of two limitations: “Inclusion on the EC list depends on available and verifiable information [and] inclusion on the EC list constitutes an operating ban only to Europe, while banned airlines continue to fly to other regions of the world.”

To address these limitations, the exchange of verifiable, reliable information must be strengthened at the international level, the report said.

“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 worldwide can only be reached if ICAO safety standards are actually complied with,” the report said. “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 report recommended that the EC clarify what action will be taken by the member states that are affected by any attempt to circumvent the blacklist, such as an overflight by a banned carrier. It also called for clarification of what types of flights are not affected by the ban, such as ferry flights, inspection flights and private flights; and how to record decisions by non-EU countries to limit the air operator certificates held by their air carriers regarding operations within the EU.

Other recommendations call for modernizing the system of aviation accident investigation, in part by establishing a network of accident investigation agencies in EU countries, and for providing technical assistance to help the civil aviation authorities responsible for overseeing blacklisted air carriers.

The EC “intends to further support ICAO’s efforts at addressing the needs of international civil aviation ... by improving the coordination of the global efforts to help countries strengthen their safety, notably those for which ICAO publishes significant safety concerns and those where audit reports show a very high lack of implementation of international safety standards,” the report said.

Worldwide Goals

The EC plans to strengthen its cooperation with other countries that share the same safety goals, including the exchange of safety data — especially data gathered through inspections of aircraft on airport ramps, “the objective being to align as much as possible the overall format of the reporting system of safety data to improve the capability of data used,” the report said. “Beyond the cooperation in the field of information sharing, such ties should encourage further convergence between the assessment made and actions taken to remedy the deficiencies detected by third countries.”

The report said that since the inception of the blacklist, “it has become evident how

much member states [and other European states with close economic ties] are basing their safety decisions on the results of ICAO safety audits carried out in the framework of the USOAP.”

ICAO Concerns

The report added that, in cases in which ICAO expresses significant safety concerns as a result of a USOAP audit, the EC will “ensure that airlines certified in such countries are not allowed to fly in the Community until their authorities can guarantee conformity with ICAO standards.” Banning airlines will continue in cases in which cooperative efforts do not alleviate safety risks, the report said.

The document added that the EC would propose that ICAO make public significant safety concerns identified through USOAP audits, that ICAO identify the acceptable safety risk “beyond which it should recommend that states waive the acceptance” of air operator certificates from states that have not complied with ICAO SARPs, and that ICAO become more active in coordinating efforts to improve safety after its audits.

“Such a move should promote respect for international safety standards by all ICAO contracting states, thus ensuring a high level of safety throughout the world and not only where legal tools [such as the blacklist] apply,” the report said. “It would *de facto* act as an international list of banned carriers.”

Note

1. The European Community was the principal component of the European Union from 1993 until 2009. In 2009, under the Treaty of Lisbon, the European Community was officially replaced by the European Union. The European Commission report, made public in January 2010, was written in late 2009, while the European Community was still an official entity.

Further Reading from FSF Publications

Werfelman, Linda. “Making a List.” *AeroSafety World* Volume 4 (April 2009): 42–45.

