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COVER NOTE

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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
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Delegations will find attached document SWD(2019) 180 final.

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COMMISSION STAFF WORKING DOCUMENT

EXECUTIVE SUMMARY

of the evaluation of Regulation (EC) No 2111/2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community and on informing air transport passengers of the identity of the operating carrier

{SWD(2019) 179 final}

EXECUTIVE SUMMARY

Regulation (EC) No 2111/2005 lays down rules on the establishment and publication of a Union's list of air carriers which, for safety reasons, are subject to an operating ban in the Union, and on informing air passengers of the actual identity of the operating air carrier. The Regulation sets up common criteria for consideration of an operating ban at Union's level. Its overall aim is to ensure a high level of protection for passengers from safety risks.

This evaluation aims to assess whether the overall objectives of the Regulation were met. To do so, the evaluation examines five criteria: the relevance of the Regulation, its effectiveness, efficiency, its coherence with the other relevant legislation, and the added value of the Union's intervention.

In the evaluation of the Regulation's relevance, the conclusion was reached that the intervention of the EU was necessary at the time of its adoption and it is still necessary now. In particular, individual measures such as national bans would still be insufficient in providing a uniform and efficient reaction to the risks arising from the operations of unsafe air carriers in the EU and outside of the EU. New instruments at EU level have been adopted (Part-TCO), which reinforce the EU international air safety system with a preventive scrutiny and complement the Air Safety List measures. However, the Air Safety List Regulation remains the only safety-enforcement means at the disposal of the EU with a worldwide scope of action and thus affording higher protection of EU passengers by extending it to flights conducted outside of the EU.

In the assessment of the effectiveness, the evaluation examined whether the Regulation has been effective in keeping unsafe airlines outside of the EU airspace, and in informing passengers, travelling both inside and outside of the EU, about safety status of their operating air carrier. It was ascertained that its preventive and dissuasive effects have contributed to enhancing aviation safety globally.

The efficiency analysis assessed to what extent the costs incurred by the implementation of the Regulation are proportional to the results achieved. The results suggest that the costs incurred in relation to the implementation of the Regulation are largely outweighed by the benefits it brings. In addition, the Air Safety List has proved its efficiency in identifying the right targets of such technical assistance.

The Regulation is coherent with other European Union legislation and instruments, notably with the SAFA Programme and the EASA TCO authorisation system. The interaction between those instruments could however be fine-tuned, in particular to avoid duplication and better exploit synergies. Also, the Air Safety List Regulation enlarges the scope of the passenger rights regulation, as regards the right of reimbursement or re-routing when an air carrier becomes subject to an EU ban.

Finally, the evaluation identified several areas where the adoption of the Regulation brought a strong added value compared to the pre-existing situation. This is also attributable to the much stronger Union-level influence over the safety of third country air carriers and third countries'

safety oversight compared to individual efforts limited to national level. The same is true for the coordinated approach as regards technical cooperation: the inclusiveness and equal representation of all the Member States gives them access to safety information from many different sources – an access which separately would not have been possible to such an extent. Overall, the EU intervention has brought benefits to aviation safety.

The evaluation also showed that further action in terms of communication could be considered to further improve the awareness of the travel industry and of the travelling public. In particular, this applies to air carriers that are subject to a ban, but continue to operate outside the EU airspace.

In conclusion, the Regulation has met the evaluation criteria. The Air Safety List has proven to serve not only as a punitive tool, but also as a positive pre-emptive tool of key importance, and that latter aspect could be further strengthened.