

COMMISSION REGULATION (EC) No 331/2008

of 11 April 2008

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 COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

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 transport passengers of the identity of the operating air carrier, and repealing Article 9 of Directive 2004/36/EC⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) Commission Regulation (EC) No 474/2006 of 22 March 2006 established the Community list of air carriers which are subject to an operating ban within the Community referred to in Chapter II of Regulation (EC) No 2111/2005⁽²⁾.
- (2) In accordance with Article 4(3) of Regulation (EC) No 2111/2005, some Member States communicated to the Commission information that is relevant in the context of updating the Community list. Relevant information was also communicated by third countries. On this basis, the Community list should be updated.
- (3) The Commission informed all air carriers concerned either directly or, when this was not practicable, through the authorities responsible for their regulatory oversight, indicating the essential facts and considerations which would form the basis for a decision to impose on them an operating ban within the Community or to modify the conditions of an operating ban imposed on an air carrier which is included in the Community list.
- (4) Opportunity was given by the Commission to the air carriers concerned to consult the documents provided

by Member States, to submit written comments and to make an oral presentation to the Commission within 10 working days and to the Air Safety Committee established by Council Regulation (EEC) No 3922/91 of 16 December 1991 on the harmonization of technical requirements and administrative procedures in the field of civil aviation⁽³⁾.

- (5) The authorities with responsibility for regulatory oversight over the air carriers concerned have been consulted by the Commission as well as, in specific cases, by some Member States.
- (6) Regulation (EC) No 474/2006 should therefore be amended accordingly.

Air carriers licensed in Ukraine*Albatross Avia Ltd*

- (7) France communicated to the Commission that it adopted an immediate operating ban on all operations of the carrier Albatross Avia Ltd certified in the Ukraine for reasons that this carrier is in reality the Ukrainian carrier Volare, which is already subject to an operating ban⁽⁴⁾. France has also submitted to the Commission a request to update the Community list in accordance with Article 4(2) of Regulation (EC) No 2111/2005 and Article 6 of Regulation (EC) No 473/2006.
- (8) The carrier did not produce any appropriate evidence to dissipate the concerns raised by France.
- (9) Following consultations with the Commission and some Member States, the competent authorities of Ukraine submitted to the Commission their decision whereby they revoked the Air Operator Certificate (AOC) of the carrier. Therefore, on the basis of the common criteria, no further action regarding Albatross Avia Ltd is needed.

⁽¹⁾ OJ L 344, 27.12.2005, p. 15.

⁽²⁾ OJ L 84, 23.3.2006, p. 14. Regulation as last amended by Regulation (EC) No 1400/2007 (OJ L 311, 29.11.2007, p. 12).

⁽³⁾ OJ L 373, 31.12.1991, p. 4. Regulation as amended by Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 79, 19.3.2008, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 787/2007 of 4 July 2007 (OJ L 175, 5.7.2007, p. 10).

- (10) However, the Commission is concerned that the competent authorities of Ukraine have issued an AOC to an undertaking which is substantially an air carrier already subject to an operating ban. Repetition of such a situation could be considered as evidence that these authorities may not meet the common criteria set out in the Annex of Regulation (EC) No 2111/2005.

Ukraine Cargo Airways

- (11) There is verified evidence of serious safety deficiencies on the part of the carrier Ukraine Cargo Airways certified in the Ukraine affecting all types of aircraft. These deficiencies have been identified by Austria, Hungary, France, Germany, Italy, Latvia, Luxembourg, Romania, Poland, Spain and the Netherlands⁽¹⁾ during ramp inspections performed under the SAFA programme.
- (12) Austria communicated to the Commission that it adopted an immediate operating ban on the aircraft of type AN-12 of Ukraine Cargo Airways operating hitherto to Austria taking into account the common criteria, in the framework of Article 6(1) of Regulation (EC) No 2111/2005 and submitted to the Commission a request to update the Community list in accordance with Article 4(2) of Regulation (EC) No 2111/2005 and Article 6 of Regulation (EC) No 473/2006.
- (13) The reasons for the imposition of that measure by Austria are the following: (a) verified serious safety deficiencies on the part of the air carrier by virtue of reports showing serious safety deficiencies and persistent failure by the carrier concerned to address these deficiencies raised in ramp inspection reports performed under the SAFA programme and previously communicated to the carrier; (b) lack of ability of the carrier to address these safety deficiencies demonstrated by inappropriate and insufficient corrective actions presented in response to identified serious safety deficiencies; (c) lack of ability and willingness of the authorities responsible for the oversight of the carrier concerned to address the safety deficiencies demonstrated by their lack of cooperation with the competent authorities of Austria which performed the ramp inspections and their insufficient ability to implement and enforce the relevant safety standards.
- (14) The safety deficiencies detected by Austria and other Member States on the aircraft of type AN-12, AN-26 and IL-76 were in the same areas. Furthermore, those

deficiencies kept on reoccurring over the same period under consideration. This is evidence of the systemic nature of such deficiencies.

- (15) During consultations with the Commission and some Member States, Ukraine Cargo Airways submitted a plan of corrective actions which according to the carrier addresses all safety deficiencies in the area of maintenance, engineering and operations identified on all three types of aircraft with which the carrier has been operating into the Community. However, during these consultations the carrier was not able to demonstrate the adequacy of the proposed corrective actions. In particular, the carrier was not able to demonstrate the appropriateness of the proposed actions regarding operational discipline and failed to explain how inspections of aircraft used by the carrier to fly into the Community still revealed the same deficiencies as before the imposition of Austria of an operating ban, despite that various measures in the proposed action plan appeared already completed in the areas of operations of all types of aircraft used by that carrier.
- (16) During the same consultations, the competent authorities of Ukraine submitted information about their decision to restrict the AOC of the carrier by removing the aircraft AN-12 with registration marks UR-UCK, UR-UDD and UR-UCN with which Ukraine Cargo Airways has been operating into Austria and other Member States and placing them under maintenance as well as by prohibiting the operation of the aircraft IL-76 with registration marks UR-UCA, UR-UCC, UR-UCD, UR-UCH, UR-UCO, UR-UCQ, UR-UCT, UR-UCU, UR-UCW and UR-UCX until 19 November 2008. The carrier has operated with some of these aircraft (UR-UCA, UR-UCO and UR-UCU) into the Community. Also, these authorities confirmed that they had endorsed the corrective action plan of the carrier and committed to verify the implementation of the corrective actions by Ukraine Cargo Airways before authorising the carrier to resume operations with its AN-12 aircraft into the Community.
- (17) The Commission takes note of the measures taken by the competent authorities of Ukraine concerning the aircraft AN-12 and IL-76. However, it considers that the implementation of the corrective actions fail to address the systemic nature of the detected deficiencies which affect all types of aircraft so far used by the carrier in its operations into the Community. Moreover, the Commission considers that the results of ramp inspections⁽²⁾ carried out on aircraft of type AN-26 after the consultations held with the carrier and its authorities and after the carrier had begun implementing corrective actions under the supervision of its authorities show that such actions do not provide for the appropriate resolution of the verified safety deficiencies on these type of aircraft or on any other type of aircraft operated by this carrier into the Community.

⁽¹⁾ SAFA reports: ACG-2007-36; ACG-2007-43; ACG-2007-56; ACG-2007-150; ACG-2007-205; ACG-2008-42; DGCATR-2007-374; LBA/D-2008-95; LBA/D-2008-117; LBA/D-2008-121; CAO-2007-57; LBA/D-2007-292; MOTLUX-2008-2; CAALAT-2007-14; DGAC-E-2006-801; LBA/D-2007-29; LBA/D-2008-114; LBA/D-2008-120; CAA-NL-2007-137; ENAC-IT-2006-389; LBA/D-2006-684; RCAARO-2006-46; RCAARO-2007-118; ENAC-IT-2007-322; ENAC-IT-2007-432; RCAARO-2006-38; RCAARO-2007-58.

⁽²⁾ LBA/D-2008-117, LBA/D-2008-121, MOTLUX-2008-2, BUL-2008-3, LBA/D-2008-114, LBA/D-2008-120.

- (18) The carrier submitted on 1 April 2008 documentation containing a revised corrective actions plan reflecting the changes requested by the competent authorities of Ukraine following an audit of the company. The air carrier was also given the opportunity to make presentations to the Commission and the Air Safety Committee on 2 April; it was however, not able to demonstrate the appropriateness of the proposed revised actions regarding operational discipline and failed to explain how these actions would provide for sustainable solutions of all previously identified safety deficiencies. Therefore, this documentation will have to be further examined to ascertain whether the previously identified safety deficiencies have been appropriately addressed.
- (19) Pending the completion of such examination, and in the absence of any corrective actions able to redress the recurrence of systemic safety deficiencies without delay, the Commission considers that the carrier should not be allowed to operate into the Community until it has been verified that adequate measures have been put in place to ensure compliance with the relevant safety standards of the operation of any aircraft used by Ukraine Cargo Airways.
- (20) On the basis of the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is considered that Ukraine Cargo Airways does not meet the relevant safety standards. The air carrier should be subject to an operating ban of all its operations and should be included in Annex A.

Overall safety oversight

- (21) The Commission considers that the overall exercise of safety oversight and in particular the implementation and enforcement of the relevant safety standards by the competent authorities of Ukraine needs to be strengthened in order to ensure for sustainable corrective actions by the carriers under its regulatory control. The growing number of carriers which are subject to exceptional measures by Member States and subsequently included in Annex A needs to be urgently addressed by the competent authorities of Ukraine. Therefore, these authorities are invited to present a plan of measures to enhance the exercise of safety oversight of operators under their regulatory control and of aircraft registered in the Ukraine which are used for operations in the Community. The Commission will closely monitor the implementation of these measures including those referred to under recitals 15 and 18 with a view to submitting draft appropriate measures at the next meeting of the Air Safety Committee.

Cubana de Aviación SA

- (22) There is verified evidence of non-compliance with specific safety standards established by the Chicago Convention on the part of Cubana de Aviación. These

deficiencies have been identified by the United Kingdom during a ramp inspection performed under the SAFA programme ⁽¹⁾.

- (23) The United Kingdom communicated to the Commission that it adopted an immediate operating ban on the aircraft of type Ilyushin IL-62 with registration marks CU-T1283 and CU-T1284 of Cubana de Aviación taking into account the common criteria, in the framework of Article 6(1) of Regulation (EC) No 2111/2005. These aircraft are not currently fitted with EGPWS — Enhanced Ground Proximity Warning System, equipment necessary for operations into the Community in compliance with Annex 6 to the Chicago Convention.
- (24) Following consultations with the Commission and some Member States, the competent authorities of the Republic of Cuba adopted a decision to limit the AOC of Cubana de Aviación to exclude the aircraft IL-62 from any operations of the carrier into the Community until EGPWS has been installed on such aircraft. Also, these authorities have undertaken to ensure that EGPWS will be installed by 15 June 2008 on all aircraft of that carrier operating to the Community. Finally, the competent authorities of the Republic of Cuba have committed themselves to verify that all detected safety deficiencies, including the installation of EGPWS, are efficiently addressed by Cubana de Aviación by that date and to transmit the results of such verification to the Commission before this carrier can resume operations with aircraft of type IL-62 into the Community.
- (25) On the basis of the common criteria set out in the Annex to Regulation (EC) No 2111/2005 and in view of the actions taken by the competent authorities of the Republic of Cuba it is assessed that no further action is needed. The Commission shall report to the Member States about the implementation of the corrective actions at the next meeting of the Air Safety Committee. However, should the measures be considered unsatisfactory, the Commission will submit appropriate draft measures to the Committee.

Islands Development Company

- (26) There is verified evidence that the aircraft of type Beech 1900 with registration mark S7-IDC of the carrier Islands Development Company licensed in Seychelles is not fitted with EGPWS — Enhanced Ground Proximity Warning System, equipment necessary for operations into the Community in compliance with Annex 6 to the Chicago Convention. In addition, the certified documents which the Chicago Convention prescribes to be kept on board could not be showed. These deficiencies have been identified by France during a ramp inspection performed under the SAFA programme ⁽²⁾.

⁽¹⁾ CAA-UK-2008-8.

⁽²⁾ DGAC/F-2008-152.

- (27) France communicated to the Commission that it adopted an immediate operating ban on the abovementioned aircraft of this carrier taking into account the common criteria, in the framework of Article 6(1) of Regulation (EC) No 2111/2005 and submitted to the Commission a request to update the Community list in accordance with Article 4(2) of Regulation (EC) No 2111/2005, and as prescribed by Article 6 of Regulation (EC) No 473/2006.
- (28) By letter of 11 March 2008, the Civil Aviation Authority of Seychelles confirmed that the carrier Island Development Company licensed in Seychelles has taken action to install the EGPWS on its Beech 1900D aircraft with registration mark S7-IDC. The EGPWS has been ordered and installed on 26 March 2008. A certified confirmation of this installation has been delivered by the carrier during a meeting held with the Commission on 31 March 2008. In addition, the competent authorities of Seychelles confirmed that certified copies of the prescribed documents were put on board as of 27 February 2008 onwards.
- (29) On the basis of the common criteria, it is assessed that Islands Development Company has taken all the necessary measures to conform to relevant safety standards and therefore should not be included in Annex A.
- Hewa Bora Airways*
- (30) Hewa Bora Airways is no longer operating into the Community under the supervision of the competent authorities of Belgium its aircraft of type Boeing B767-266ER, cons. No 23 178, and with registration mark 9Q-CJD, which is included in Annex B. Since the provisional regime of ramp inspections and surveillance of this aircraft cannot be guaranteed anymore, operations with this aircraft should also be banned.
- (31) As a consequence, the air carrier should be subject to a ban of all its operations and should be moved from Annex B to Annex A.
- TAAG Angola Airlines*
- (32) Following the invitation by the competent authorities of Angola and by the carrier TAAG Angola Airlines, a team of experts of the Commission and the Member States conducted a fact-finding mission to Angola from 18 to 22 February 2008. During this mission the carrier provided an updated status of its corrective and preventive action plan, aimed at restoring compliance with ICAO standards. The report of the team shows that TAAG Angola Airlines has made good progress in the implementation of its action plan in that, overall, more than fifty percent of the actions can be considered as completed. In particular, the findings related to flight and ground operations have been responded to a large degree. The carrier was invited to continue its efforts towards full completion of its action plan. In addition, the team noted that the carrier has completed the first step of a full recertification by the competent authorities of Angola.
- (33) The team noted significant continuing deficiencies in the areas of continued airworthiness and maintenance, which were reported to TAAG Angola Airlines and its authorities and should be addressed adequately before any modification of the operating ban imposed on the carrier.
- (34) The team also assessed the corrective action plan proposed by the competent authorities of Angola (INAVIC) aiming at enhancing the exercise of safety oversight of the TAAG Angola Airlines along with all carriers under its regulatory control. To that end the team assessed the degree of compliance by INAVIC with applicable ICAO standards also on the basis of the results of the ICAO USOAP audit carried out in November 2007. The report of the team shows that a new civil aviation act was published on 16 January 2008, and that INAVIC is progressing towards the establishment of an independent and well-structured civil aviation authority. However, the team noted that the new provisions of the civil aviation act and the related specific operating regulations have not been implemented yet and that currently all carriers of Angola have Air Operator's Certificates, which do not comply with Annex 6 of the Chicago Convention. INAVIC was invited to continue the restructuring of its organisation, to progress as quickly as possible with its capacity building, as well as to continue with determination the recertification process of the carriers in order to demonstrate compliance with Angolan regulations and applicable ICAO standards, and to report the results in due time to the Commission.
- (35) The Commission acknowledges the efforts made by TAAG Angola Airlines and by INAVIC towards achieving all the required measures to conform to relevant safety standards. However, the Commission considers that a decision to withdraw TAAG Angola Airlines from the Community list is, at this stage, premature as there are still significant safety deficiencies which have to be addressed by the carrier as well as by the competent authorities. In addition, the recertification process of TAAG Angola Airlines as well as of the rest of the carriers by the competent authorities is still ongoing. The Commission notes that for the recertification process to be completed within the time span indicated by the competent authorities of Angola, a substantial increase in their human and financial resources will be necessary.

- (36) The Commission considers that the compliance by the competent authorities of Angola with ICAO obligatory standards and recommended practices and in particular the exercise of oversight depend also on the financial means at the disposal of these authorities. The Commission shall await progress reports from TAAG Angola Airlines and INAVIC in due time.

Mahan Air

- (37) The Commission and some Member States held consultations on 14 December 2007 and on 12 March 2008 with Mahan Air and the competent authorities of the Islamic Republic of Iran regarding the verification by these authorities of the progressive implementation of the corrective actions by the carrier. In particular, during the consultations on 14 December 2007, the Commission requested that any documentation regarding any progress in the implementation of the corrective actions by Mahan Air be submitted to the Commission by the end of February 2008.
- (38) During the consultations held on 12 March 2008, the competent authorities of the Islamic Republic of Iran have stated that they have inspected the carrier Mahan Air and that all safety deficiencies have been resolved to their satisfaction. However, neither the carrier nor its authorities presented documentation providing evidence of the implementation of corrective measures in order to demonstrate the adequacy of such actions to provide sustainable solutions and ensure effective compliance with the corrective actions plan presented in September and November 2007.
- (39) The competent authorities of the Islamic Republic of Iran submitted to the Commission on 26 March 2008 documentation concerning a detailed progress report and material concerning the implementation of corrective actions by Mahan Air following an audit of the company. The Commission intends to examine the submitted documentation with a view to verifying whether the previously identified safety deficiencies have been appropriately addressed.
- (40) Until the completion of such examination, the Commission considers that there is currently not sufficient evidence to demonstrate that the carrier has completed the corrective actions to eliminate the deficiencies which led to its inclusion in the Community list.
- (41) On the basis of the common criteria, it is assessed that, at present, it has not been verified that Mahan Air has taken all required measures to conform to relevant safety standards and that therefore, it may not yet be withdrawn from Annex A. The Commission will continue to cooperate with the competent authorities of the Islamic Republic of Iran to monitor the implementation of corrective actions by Mahan Airlines and to ensure that they provide for sustainable solutions in

the long term. To that end, it intends to carry out a visit in the coming months.

Air carriers from the Russian Federation

- (42) As stated in Regulation (EC) No 1400/2007, by virtue of a decision of the competent authorities of the Russian Federation dated 26 November 2007, certain air carriers licensed by these authorities are authorised to operate into the Community only with specific equipment. The air carriers and aircraft affected are: Krasnoyarsk Airlines: aircraft Boeing B-737 (EI-DNH/DNS/DNT/CBQ/CLZ/CLW), B-757 (EI-DUA/DUD/DUC/DUE), B-767 (EI-DMP/DMH), Tupolev Tu-214 (RA-65508), Tu-154M (RA-85720); Ural Airlines: aircraft Airbus A-320 (VP-BQY/BQZ), Tu-154M (RA-85807/85814/85833/85844); Gazpromavia: aircraft Falcon-900 (RA-09000/09001/09006/09008); Atlant-Soyuz: aircraft Boeing B-737 (VP-BBL/BBM), Tu-154M (RA-85709/85740); UTAir: aircraft ATR-42 (VP-BCB/BCF/BPJ/BPK), Gulfstream IV (RA-10201/10202), Tu-154M (RA-85805/85808); Kavminvodyavia: aircraft Tu-204 (RA-64022/64016), Tu-154M (RA-85715/85826/85746); Kuban Airlines: aircraft Yak-42 (RA-42386/42367/42375); Air Company Yakutia: aircraft Tu-154M (RA-85700/85794) and B-757-200 (VP-BFI); Airlines 400: aircraft Tu-204 (RA-64018/64020). Furthermore, according to that decision, certain air carriers are not allowed to operate into the Community with specific aircraft; the air carriers and aircraft affected are: Orenburg Airlines: aircraft Tu-154 (RA-85768) and B-737-400 (VP-BGQ); Air Company Tatarstan: aircraft Tu-154 (RA 85101 and RA-85109); Air Company Sibir: aircraft B-737-400 (VP-BTA); and Rossija: aircraft Tu-154 (RA-85753 and RA-85835).
- (43) The competent authorities of the Russian Federation informed the Commission on 26 March 2008 that they envisaged changing their decision of 26 November 2007 regarding operating restrictions imposed on certain carriers licensed in the Russian Federation to the effect that all previous operational restrictions on all carriers concerned would be lifted as of 25 April 2008.
- (44) The competent authorities of the Russian Federation were invited by the Commission on 27 March to submit to the Commission and to the Air Safety Committee the evidence of reliable information about the improvement of the internal monitoring system of the carriers concerned regarding the safety of their flights which lead them to envisage a decision lifting of the operating restrictions on the air carriers concerned. They undertook to present this information by 9 April 2008 at the latest, and, together with each air carrier concerned, to make presentations to the Commission and Member States regarding the safety situation of these air carriers before the entry into force of their decision. Should this information be submitted to the Commission at a later stage, the competent authorities of the Russian Federation undertook on 2 April 2008 before the Air Safety Committee to postpone the entry into force of their envisaged decision in agreement with the Commission.

- (45) The Commission takes note of the envisaged decision of the competent authorities of the Russian Federation and intends to examine the material, which these authorities have undertaken to submit in the light of the corrective action plans previously submitted by the carriers concerned to the Commission. The Commission intends to coordinate with the competent authorities of the Russian Federation the results of its examination before the entry into force of the abovementioned envisaged decision.
- (46) In the meantime, the provisions of the decision of the competent authorities of the Russian Federation of 26 November 2007 should remain in force; hence, operations into the Community of the abovementioned carriers should take place only under the terms and conditions provided in that decision and stated in recitals 34 to 36 of Regulation (EC) No 1400/2007.
- (47) The Commission intends to monitor the performance of the abovementioned carriers, and examine their safety situation in the light of the results of the above process with a view to adopting, if necessary, appropriate measures to ensure that all relevant standards are guaranteed in the Community, taking into account the provisions of Article 7 of Regulation (EC) No 2111/2005.

Air carriers from the Kyrgyz Republic

- (48) The authorities of the Kyrgyz Republic have provided the Commission with evidence of the withdrawal of the Air Operator's Certificates of Galaxy Air on grounds of safety. Since this carrier certified in the Kyrgyz Republic has consequently ceased its activities, it should be withdrawn from Annex A.

Air carriers from Equatorial Guinea

- (49) The Commission has received information that the carrier Ceiba Intercontinental is operating commercial services under an AOC issued by the competent authorities of Equatorial Guinea and has requested these authorities to submit all relevant information regarding this company. The competent authorities of Equatorial Guinea have not responded to the Commission's request.
- (50) On the basis of the common criteria set out in the Annex to Regulation (EC) No 2111/2005 the carrier Ceiba Intercontinental should be subject to an operating ban and should be therefore included in Annex A.
- (51) The air carrier Cronos Airlines licensed in Equatorial Guinea has submitted documentation requesting the Commission to be excluded from Annex A stating that

the aircraft it operates are wet leased on an 'ACMI' basis (aircraft, crew, maintenance, insurance) from a carrier licensed in the Republic of South Africa.

- (52) The Commission considers that the submissions presented by Cronos Airlines do not justify the removal from Annex A. However, all carriers which are included in Annex A may be permitted to exercise traffic rights by using wet-leased aircraft of air carriers which are not subject to an operating ban, provided that the relevant safety standards are complied with.

Air carriers from Swaziland

- (53) The competent authorities of Swaziland have requested that the carriers Royal Swazi Airways Corporation and Scan Air Charter be excluded from Annex A because these carriers do not own any more any aircraft and therefore do not operate any services. Also, they requested that the carrier Swaziland Airlink be removed from Annex A because it operates services with aircraft certified and maintained and crew-licensed in the Republic of South Africa. The competent authorities of Swaziland validate the certificates, approvals and licenses concerned.
- (54) As regards Royal Swazi Airways Corporation and Scan Air Charter, the Commission considers that the withdrawal from Annex A is not justified, as there is no evidence that these carriers have ceased to exist. With regards to the carrier Swaziland Airlink, the Commission considers that the withdrawal from Annex A is not justified. However, all carriers which are included in Annex A may be permitted to exercise traffic rights by using wet-leased aircraft of air carriers which are not subject to an operating ban, provided that the relevant safety standards are complied with.

Air carriers from the Republic of Indonesia

- (55) The Commission received on 25 March 2008 a new action plan prepared by the competent authorities of Indonesia, which was not accompanied by supporting documentary evidence of its implementation, and which shows that the completion of several milestones is not foreseen before September 2008. This information does not demonstrate that the national authorities have, at this stage, the ability to ensure the oversight of all carriers which they certify, including Garuda.
- (56) The Commission will continue to provide technical assistance to and strongly supports the efforts of Indonesia towards implementing the necessary measures to ensure that safety is guaranteed.

(57) However, at present, the Commission considers that these authorities have not demonstrated that they have completed the proposed corrective actions to ensure that the relevant safety standards are complied with and that therefore, none of the Indonesian carriers can be at this stage, withdrawn from the Community list unless both any such carrier and the competent national authorities can demonstrate compliance with ICAO standards.

Garuda Indonesia Airline

(58) The carrier Garuda Indonesia Airline submitted to the Commission on 10 and 18 March 2008 extensive documentation, which includes answers of the company to the observations raised by the team of experts of the Commission and the Member States during its mission conducted from 5 to 9 November 2007. This documentation was reviewed carefully by the Commission, which has requested complementary information to be provided in order to complete the assessment of the safety situation of Garuda. The carrier committed to submit the said information without delay.

(59) The carrier also made on 28 March 2008 a formal request to present its comments orally to the Air Safety Committee during its upcoming meeting, and was subsequently heard on 3 April 2008.

(60) The Commission and the Member States took note that the carrier has made progress in the implementation of corrective actions to remedy the observations raised by the team in its mission report. However, they also took note that, in order to comply with ICAO standards, corrective actions need to be continued and completed in a number of areas, *inter alia* the equipment of the complete Boeing 737 fleet with E-GPWS — Enhanced Ground Proximity Warning System, the implementation of Flight Data Monitoring for the whole fleet of the carrier, as well as the necessary improvements of its internal control systems.

(61) In the light of the considerations presented under recitals 55 to 60, the Commission considers that the air carrier Garuda Indonesia Airline cannot be withdrawn from Annex A yet.

General considerations concerning the other carriers included in Annexes A and B

(62) No evidence of the full implementation of appropriate remedial actions by the other carriers included in the Community list updated on 28 November 2007 and by the authorities with responsibility for regulatory oversight of these air carriers has been communicated to the Commission so far in spite of specific requests submitted by the latter. Therefore, on the basis of the common criteria, it is assessed that these air carriers should continue to be subject to an operating ban (Annex A) or operating restrictions (Annex B), as the case may be.

(63) The measures provided for in this Regulation are in accordance with the opinion of the Air Safety Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 474/2006 is amended as follows:

1. Annex A is replaced by Annex A to this Regulation.
2. Annex B is replaced by Annex B to this Regulation.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 11 April 2008.

For the Commission
Jacques BARROT
Vice-President

ANNEX A

LIST OF AIR CARRIERS OF WHICH ALL OPERATIONS ARE SUBJECT TO A BAN WITHIN THE COMMUNITY ⁽¹⁾

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
AIR KORYO	Unknown	KOR	Democratic People's Republic of Korea (DPRK)
AIR WEST CO. LTD	004/A	AWZ	Sudan
ARIANA AFGHAN AIRLINES	009	AFG	Afghanistan
MAHAN AIR	FS 105	IRM	Islamic Republic of Iran
SILVERBACK CARGO FREIGHTERS	Unknown	VRB	Rwanda
TAAG ANGOLA AIRLINES	001	DTA	Angola
UKRAINE CARGO AIRWAYS	145	UKS	Ukraine
UKRAINIAN MEDITERRANEAN AIRLINES	164	UKM	Ukraine
VOLARE AVIATION ENTREPRISE	143	VRE	Ukraine
All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of the Congo (RDC), including		—	Democratic Republic of the Congo (RDC)
AFRICA ONE	409/CAB/MIN/TC/0114/2006	CFR	Democratic Republic of the Congo (RDC)
AFRICAN AIR SERVICES COMMUTER SPRL	409/CAB/MIN/TC/0005/2007	Unknown	Democratic Republic of the Congo (RDC)
AIGLE AVIATION	409/CAB/MIN/TC/0042/2006	Unknown	Democratic Republic of the Congo (RDC)
AIR BENI	409/CAB/MIN/TC/0019/2005	Unknown	Democratic Republic of the Congo (RDC)
AIR BOYOMA	409/CAB/MIN/TC/0049/2006	Unknown	Democratic Republic of the Congo (RDC)
AIR INFINI	409/CAB/MIN/TC/006/2006	Unknown	Democratic Republic of the Congo (RDC)
AIR KASAI	409/CAB/MIN/TC/0118/2006	Unknown	Democratic Republic of the Congo (RDC)
AIR NAVETTE	409/CAB/MIN/TC/015/2005	Unknown	Democratic Republic of the Congo (RDC)
AIR TROPIQUES S.P.R.L.	409/CAB/MIN/TC/0107/2006	Unknown	Democratic Republic of the Congo (RDC)
BEL GLOB AIRLINES	409/CAB/MIN/TC/0073/2006	Unknown	Democratic Republic of the Congo (RDC)
BLUE AIRLINES	409/CAB/MIN/TC/0109/2006	BUL	Democratic Republic of the Congo (RDC)
BRAVO AIR CONGO	409/CAB/MIN/TC/0090/2006	Unknown	Democratic Republic of the Congo (RDC)

⁽¹⁾ Air carriers listed in Annex A could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
BUSINESS AVIATION S.P.R.L.	409/CAB/MIN/TC/0117/2006	Unknown	Democratic Republic of the Congo (RDC)
BUTEMBO AIRLINES	409/CAB/MIN/TC/0056/2006	Unknown	Democratic Republic of the Congo (RDC)
CARGO BULL AVIATION	409/CAB/MIN/TC/0106/2006	Unknown	Democratic Republic of the Congo (RDC)
CETRACA AVIATION SERVICE	409/CAB/MIN/TC/037/2005	CER	Democratic Republic of the Congo (RDC)
CHC STELLAVIA	409/CAB/MIN/TC/0050/2006	Unknown	Democratic Republic of the Congo (RDC)
COMAIR	409/CAB/MIN/TC/0057/2006	Unknown	Democratic Republic of the Congo (RDC)
COMPAGNIE AFRICAINE D'AVIATION (CAA)	409/CAB/MIN/TC/0111/2006	Unknown	Democratic Republic of the Congo (RDC)
DOREN AIR CONGO	409/CAB/MIN/TC/0054/2006	Unknown	Democratic Republic of the Congo (RDC)
EL SAM AIRLIFT	409/CAB/MIN/TC/0002/2007	Unknown	Democratic Republic of the Congo (RDC)
ESPACE AVIATION SERVICE	409/CAB/MIN/TC/0003/2007	Unknown	Democratic Republic of the Congo (RDC)
FILAIR	409/CAB/MIN/TC/0008/2007	Unknown	Democratic Republic of the Congo (RDC)
FREE AIRLINES	409/CAB/MIN/TC/0047/2006	Unknown	Democratic Republic of the Congo (RDC)
GALAXY INCORPORATION	409/CAB/MIN/TC/0078/2006	Unknown	Democratic Republic of the Congo (RDC)
GOMA EXPRESS	409/CAB/MIN/TC/0051/2006	Unknown	Democratic Republic of the Congo (RDC)
GOMAIR	409/CAB/MIN/TC/0023/2005	Unknown	Democratic Republic of the Congo (RDC)
GREAT LAKE BUSINESS COMPANY	409/CAB/MIN/TC/0048/2006	Unknown	Democratic Republic of the Congo (RDC)
HEWA BORA AIRWAYS (HBA)	409/CAB/MIN/TC/0108/2006	ALX	Democratic Republic of the Congo (RDC)
I.T.A.B. — INTERNATIONAL TRANS AIR BUSINESS	409/CAB/MIN/TC/0022/2005	Unknown	Democratic Republic of the Congo (RDC)
KATANGA AIRWAYS	409/CAB/MIN/TC/0088/2006	Unknown	Democratic Republic of the Congo (RDC)
KIVU AIR	409/CAB/MIN/TC/0044/2006	Unknown	Democratic Republic of the Congo (RDC)
LIGNES AÉRIENNES CONGOLAISES	Ministerial signature (ordonnance 78/205)	LCG	Democratic Republic of the Congo (RDC)
MALU AVIATION	409/CAB/MIN/TC/0113/2006	Unknown	Democratic Republic of the Congo (RDC)
MALILA AIRLIFT	409/CAB/MIN/TC/0112/2006	MLC	Democratic Republic of the Congo (RDC)
MANGO AIRLINES	409/CAB/MIN/TC/0007/2007	Unknown	Democratic Republic of the Congo (RDC)
PIVA AIRLINES	409/CAB/MIN/TC/0001/2007	Unknown	Democratic Republic of the Congo (RDC)
RWAKABIKA BUSHI EXPRESS	409/CAB/MIN/TC/0052/2006	Unknown	Democratic Republic of the Congo (RDC)
SAFARI LOGISTICS SPRL	409/CAB/MIN/TC/0076/2006	Unknown	Democratic Republic of the Congo (RDC)
SAFE AIR COMPANY	409/CAB/MIN/TC/0004/2007	Unknown	Democratic Republic of the Congo (RDC)

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
SERVICES AIR	409/CAB/MIN/TC/0115/2006	Unknown	Democratic Republic of the Congo (RDC)
SUN AIR SERVICES	409/CAB/MIN/TC/0077/2006	Unknown	Democratic Republic of the Congo (RDC)
TEMBO AIR SERVICES	409/CAB/MIN/TC/0089/2006	Unknown	Democratic Republic of the Congo (RDC)
THOM'S AIRWAYS	409/CAB/MIN/TC/0009/2007	Unknown	Democratic Republic of the Congo (RDC)
TMK AIR COMMUTER	409/CAB/MIN/TC/020/2005	Unknown	Democratic Republic of the Congo (RDC)
TRACEP CONGO	409/CAB/MIN/TC/0055/2006	Unknown	Democratic Republic of the Congo (RDC)
TRANS AIR CARGO SERVICE	409/CAB/MIN/TC/0110/2006	Unknown	Democratic Republic of the Congo (RDC)
TRANSPORTS AERIENS CONGOLAIS (TRACO)	409/CAB/MIN/TC/0105/2006	Unknown	Democratic Republic of the Congo (RDC)
VIRUNGA AIR CHARTER	409/CAB/MIN/TC/018/2005	Unknown	Democratic Republic of the Congo (RDC)
WIMBI DIRA AIRWAYS	409/CAB/MIN/TC/0116/2006	WDA	Democratic Republic of the Congo (RDC)
ZAABU INTERNATIONAL	409/CAB/MIN/TC/0046/2006	Unknown	Democratic Republic of the Congo (RDC)
All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including			Equatorial Guinea
CRONOS AIRLINES	Unknown	Unknown	Equatorial Guinea
CEIBA INTERCONTINENTAL	Unknown	CEL	Equatorial Guinea
EUROGUINEANA DE AVIACION Y TRANSPORTES	2006/001/MTTCT/DGAC/SOPS	EUG	Equatorial Guinea
GENERAL WORK AVIACION	002/ANAC	n/a	Equatorial Guinea
GETRA — GUINEA ECUATORIAL DE TRANSPORTES AEREOS	739	GET	Equatorial Guinea
GUINEA AIRWAYS	738	n/a	Equatorial Guinea
UTAGE — UNION DE TRANSPORT AEREO DE GUINEA ECUATORIAL	737	UTG	Equatorial Guinea
All air carriers certified by the authorities with responsibility for regulatory oversight of Indonesia, including			Indonesia
ADAM SKY CONNECTION AIRLINES	121-036	DHI	Indonesia
AIR PACIFIC UTAMA	135-020	Unknown	Indonesia
AIRFAST INDONESIA	135-002	AFE	Indonesia
ASCO NUSA AIR TRANSPORT	135-022	Unknown	Indonesia
ASI PUDJIASTUTI	135-028	Unknown	Indonesia
AVIASTAR MANDIRI	135-029	Unknown	Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
BALAI KALIBRASI FASITAS PENERBANGAN	135-031	Unknown	Indonesia
CARDIG AIR	121-013	Unknown	Indonesia
DABI AIR NUSANTARA	135-030	Unknown	Indonesia
DERAYA AIR TAXI	135-013	DRY	Indonesia
DERAZONA AIR SERVICE	135-010	Unknown	Indonesia
DIRGANTARA AIR SERVICE	135-014	DIR	Indonesia
EASTINDO	135-038	Unknown	Indonesia
EKSPRES TRANSPORTASI ANTAR BENUA	121-019	Unknown	Indonesia
EKSPRES TRANSPORTASI ANTAR BENUA	135-032	Unknown	Indonesia
GARUDA INDONESIA	121-001	GIA	Indonesia
GATARI AIR SERVICE	135-018	GHS	Indonesia
INDONESIA AIR ASIA	121-009	AWQ	Indonesia
INDONESIA AIR TRANSPORT	135-017	IDA	Indonesia
INTAN ANGKASA AIR SERVICE	135-019	Unknown	Indonesia
KARTIKA AIRLINES	121-003	KAE	Indonesia
KURA-KURA AVIATION	135-016	Unknown	Indonesia
LION MENTARI AIRLINES	121-010	LNI	Indonesia
MANDALA AIRLINES	121-005	MDL	Indonesia
MANUNGGAL AIR SERVICE	121-020	Unknown	Indonesia
MEGANTARA AIRLINES	121-025	Unknown	Indonesia
MERPATI NUSANTARA	121-002	MNA	Indonesia
METRO BATAVIA	121-007	BTV	Indonesia
NATIONAL UTILITY HELICOPTER	135-011	Unknown	Indonesia
PELITA AIR SERVICE	121-008	PAS	Indonesia
PELITA AIR SERVICE	135-001	PAS	Indonesia
PENERBANGAN ANGKASA SEMESTA	135-026	Unknown	Indonesia
PURA WISATA BARUNA	135-025	Unknown	Indonesia
REPUBLIC EXPRES AIRLINES	121-040	RPH	Indonesia

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
RIAU AIRLINES	121-016	RIU	Indonesia
SAMPURNA AIR NUSANTARA	135-036	Unknown	Indonesia
SMAC	135-015	SMC	Indonesia
SRIWIJAYA AIR	121-035	SJY	Indonesia
TRANS WISATA PRIMA AVIATION	121-017	Unknown	Indonesia
TRANSWISATA PRIMA AVIATION	135-021	Unknown	Indonesia
TRAVEL EXPRES AIRLINES	121-038	XAR	Indonesia
TRAVIRA UTAMA	135-009	Unknown	Indonesia
TRI MG INTRA AIRLINES	121-018	TMG	Indonesia
TRI MG INTRA AIRLINES	135-037	TMG	Indonesia
TRIGANA AIR SERVICE	121-006	TGN	Indonesia
TRIGANA AIR SERVICE	135-005	TGN	Indonesia
WING ABADI NUSANTARA	121-012	WON	Indonesia
All air carriers certified by the authorities with responsibility for regulatory oversight of the Kyrgyz Republic, including		—	Kyrgyz Republic
AIR CENTRAL ASIA	34	AAT	Kyrgyz Republic
AIR MANAS	17	MBB	Kyrgyz Republic
ASIA ALPHA AIRWAYS	32	SAL	Kyrgyz Republic
AVIA TRAFFIC COMPANY	23	AVJ	Kyrgyz Republic
BISTAIR-FEZ BISHKEK	08	BSC	Kyrgyz Republic
BOTIR AVIA	10	BTR	Kyrgyz Republic
CLICK AIRWAYS	11	CGK	Kyrgyz Republic
DAMES	20	DAM	Kyrgyz Republic
EASTOK AVIA	15	Unknown	Kyrgyz Republic
ESEN AIR	2	ESD	Kyrgyz Republic
GOLDEN RULE AIRLINES	22	GRS	Kyrgyz Republic
INTAL AVIA	27	INL	Kyrgyz Republic
ITEK AIR	04	IKA	Kyrgyz Republic

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number or Operating Licence Number	ICAO airline designation number	State of the Operator
KYRGYZ TRANS AVIA	31	KTC	Kyrgyz Republic
KYRGYZSTAN	03	LYN	Kyrgyz Republic
KYRGYZSTAN AIRLINES	01	KGA	Kyrgyz Republic
MAX AVIA	33	MAI	Kyrgyz Republic
OHS AVIA	09	OSH	Kyrgyz Republic
S GROUP AVIATION	6	Unknown	Kyrgyz Republic
SKY GATE INTERNATIONAL AVIATION	14	SGD	Kyrgyz Republic
SKY WAY AIR	21	SAB	Kyrgyz Republic
TENIR AIRLINES	26	TEB	Kyrgyz Republic
TRAST AERO	05	TSJ	Kyrgyz Republic
All air carriers certified by the authorities with responsibility for regulatory oversight of Liberia		—	Liberia
All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone, including	—	—	Sierra Leone
AIR RUM, LTD	Unknown	RUM	Sierra Leone
BELLVIEW AIRLINES (S/L) LTD	Unknown	BVU	Sierra Leone
DESTINY AIR SERVICES, LTD	Unknown	DTY	Sierra Leone
HEAVYLIFT CARGO	Unknown	Unknown	Sierra Leone
ORANGE AIR SIERRA LEONE LTD	Unknown	ORJ	Sierra Leone
PARAMOUNT AIRLINES, LTD	Unknown	PRR	Sierra Leone
SEVEN FOUR EIGHT AIR SERVICES LTD	Unknown	SVT	Sierra Leone
TEEBAH AIRWAYS	Unknown	Unknown	Sierra Leone
All air carriers certified by the authorities with responsibility for regulatory oversight of Swaziland, including	—	—	Swaziland
AERO AFRICA (PTY) LTD	Unknown	RFC	Swaziland
JET AFRICA SWAZILAND	Unknown	OSW	Swaziland
ROYAL SWAZI NATIONAL AIRWAYS CORPORATION	Unknown	RSN	Swaziland
SCAN AIR CHARTER, LTD	Unknown	Unknown	Swaziland
SWAZI EXPRESS AIRWAYS	Unknown	SWX	Swaziland
SWAZILAND AIRLINK	Unknown	SZL	Swaziland

ANNEX B

LIST OF AIR CARRIERS OF WHICH OPERATIONS ARE SUBJECT TO OPERATIONAL RESTRICTIONS
WITHIN THE COMMUNITY ⁽¹⁾

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate (AOC) Number	ICAO airline designation number	State of the Operator	Aircraft type	Registration mark(s) and, when available, construction serial number(s)	State of registry
AIR BANGLADESH	17	BGD	Bangladesh	B747-269B	S2-ADT	Bangladesh
AIR SERVICE COMORES	06-819/TA-15/DGACM	KMD	Comoros	All fleet with the exception of: LET 410 UVP	All fleet with the exception of: D6-CAM (851336)	Comoros

⁽¹⁾ Air carriers listed in Annex B could be permitted to exercise traffic rights by using wet-leased aircraft of an air carrier which is not subject to an operating ban, provided that the relevant safety standards are complied with.