

COMMISSION IMPLEMENTING REGULATION (EU) 2022/862**of 1 June 2022****amending Regulation (EC) No 474/2006 as regards the list of air carriers banned from operating or subject to operational restrictions within the Union****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 2111/2005 of the European Parliament and of 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 carrier, and repealing Article 9 of Directive 2004/36/EC ⁽¹⁾, and in particular Article 4(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 474/2006 ⁽²⁾ establishes the list of air carriers, which are subject to an operating ban within the Union.
- (2) Certain Member States and the European Union Aviation Safety Agency ('the Agency') communicated to the Commission, pursuant to Article 4(3) of Regulation (EC) No 2111/2005, information that is relevant for updating that list. Third countries and international organisations also provided relevant information. On the basis of the information provided, the list should be updated.
- (3) The Commission informed all air carriers concerned, either directly or through the authorities responsible for their regulatory oversight, about the essential facts and considerations, which would form the basis of a decision to impose an operating ban on them within the Union or to modify the conditions of an operating ban imposed on an air carrier, which is included in the list set out in Annex A or B to Regulation (EC) No 474/2006.
- (4) The Commission gave the air carriers concerned the opportunity to consult all relevant documentation, to submit written comments and to make an oral presentation to the Commission and to the Committee established by Article 15 of Regulation (EC) No 2111/2005 (the 'EU Air Safety Committee').
- (5) The Commission has informed the EU Air Safety Committee about the ongoing joint consultations, within the framework of Regulation (EC) No 2111/2005 and Commission Regulation (EC) No 473/2006 ⁽³⁾, with the competent authorities and air carriers of Armenia, Iraq, Kazakhstan, Moldova, Pakistan, Russia, and South Sudan. The Commission also informed the EU Air Safety Committee about the aviation safety situation in Congo Brazzaville, Equatorial Guinea, Madagascar, and Suriname.
- (6) The Agency informed the Commission and the EU Air Safety Committee about the technical assessments conducted for the initial evaluation and the continuous monitoring of third country operator ('TCO') authorisations, issued pursuant to Commission Regulation (EU) No 452/2014 ⁽⁴⁾.

⁽¹⁾ OJ L 344, 27.12.2005, p. 15.

⁽²⁾ Commission Regulation (EC) No 474/2006 of 22 March 2006 establishing 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 of the European Parliament and of the Council (OJ L 84, 23.3.2006, p. 14).

⁽³⁾ Commission Regulation (EC) No 473/2006 of 22 March 2006 laying down implementing rules for 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 of the European Parliament and of the Council (OJ L 84, 23.3.2006, p. 8).

⁽⁴⁾ Commission Regulation (EU) No 452/2014 of 29 April 2014 laying down technical requirements and administrative procedures related to air operations of third country operators pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 133, 6.5.2014, p. 12).

- (7) The Agency also informed the Commission and the EU Air Safety Committee about the results of the analysis of ramp inspections carried out under the Safety Assessment of Foreign Aircraft programme ('SAFA'), in accordance with Commission Regulation (EU) No 965/2012 ⁽⁵⁾.
- (8) In addition, the Agency informed the Commission and the EU Air Safety Committee about the technical assistance projects carried out in third countries affected by an operating ban under Regulation (EC) No 474/2006. Furthermore, the Agency provided information on the plans and requests for further technical assistance and cooperation to improve the administrative and technical capability of civil aviation authorities in third countries with a view to helping them resolve non-compliance with applicable international civil aviation safety standards. Member States were invited to respond to such requests on a bilateral basis in coordination with the Commission and the Agency. In that regard, the Commission reiterated the usefulness of providing information to the international aviation community, particularly through the International Civil Aviation Organisation's (ICAO) Aviation Safety Implementation Assistance Partnership tool, on technical assistance to third countries provided by the Union and Member States to improve aviation safety around the world.
- (9) Eurocontrol provided the Commission and the EU Air Safety Committee with an update on the status of the SAFA and TCO alarming functions, including statistics about alert messages for banned air carriers.

Union air carriers

- (10) Following the Agency's analysis of information resulting from ramp inspections carried out on the aircraft of Union air carriers, as well as standardisation inspections carried out by the Agency, complemented also with information stemming from specific inspections and audits carried out by national aviation authorities, several Member States and the Agency, acting as competent authorities, have taken certain corrective and enforcement measures, and informed the Commission and the EU Air Safety Committee about those measures.
- (11) Member States and the Agency, acting as competent authorities, reiterated their readiness to act, as necessary, in the event that pertinent safety information indicates imminent safety risks resulting from non-compliance by Union air carriers with relevant safety standards.

Air carriers from Armenia

- (12) In June 2020, air carriers certified in Armenia were included in Annex A to Regulation (EC) No 474/2006, by Commission Implementing Regulation (EU) 2020/736 ⁽⁶⁾.
- (13) On 29 April 2022, the Commission, the Agency, Member States, and the Civil Aviation Committee of Armenia ('CAC') held a technical meeting, during which CAC provided an update regarding the measures taken since the technical meeting held on 3 November 2021 to address the identified safety deficiencies. The main measures are the amendment of its civil aviation legislation and supporting regulations, improvements relating to the structure and staff of the CAC, and the update of the CAC system for managing the qualification and training of its inspectors, including additional initial, recurrent and on-the-job training. Furthermore, the CAC explained that it developed additional oversight procedures and checklists in various domains, and drafted the national aviation safety plan and the safety occurrence reporting regulation, both of which are to be adopted in 2022. All of this material will be carefully scrutinised by the Commission and the Agency.

⁽⁵⁾ Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p. 1).

⁽⁶⁾ Commission Implementing Regulation (EU) 2020/736 of 2 June 2020 amending Regulation (EC) No 474/2006 as regards the list of air carriers banned from operating or subject to operational restrictions within the Union (OJ L 172, 3.6.2020, p. 7).

- (14) The CAC provided an update of measures taken in connection with its corrective action plan ('CAP') with regard to the observations raised during the 2020 Union on-site assessment visit. These measures included the update of human resources planning and training processes, of several procedures and checklists to improve its safety oversight activities, the implementation of an electronic database to support its oversight activities, and the development of its safety occurrence reporting system.
- (15) Furthermore, as part of the Union's efforts to assist CAC in addressing its aviation safety improvement needs, the Agency launched, in March 2022, a dedicated technical project aimed at strengthening the CAC safety oversight in the Air Operations and Airworthiness domains.
- (16) On the basis of all available information, it is considered that the CAC has made some noteworthy improvements to its safety oversight capacity. It is also recognised that the CAC appears committed to continuing its efforts to further develop its oversight capabilities and the resolution of identified safety concerns. Notwithstanding these positive developments, there is currently not enough substantiated evidence given that CAC has effectively addressed all the deficiencies that were identified during the on-site assessment visit in February 2020 that led to the decision to impose an operating ban pursuant to Implementing Regulation (EU) 2020/736. Information provided about the potential improvements requires further verification through additional technical meetings, and possibly through confirmation on-site.
- (17) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that at this time there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union with respect to air carriers from Armenia.
- (18) Member States should continue verifying the effective compliance of air carriers certified in Armenia with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.

Air carriers from Iraq

- (19) In December 2015, the air carrier *Iraqi Airways* was included in Annex A to Regulation (EC) No 474/2006, by Commission Implementing Regulation (EU) 2015/2322 ⁽⁷⁾.
- (20) In February 2022 the Iraqi Civil Aviation Authority ('ICAA') and *Iraqi Airways* submitted to the Commission information on the actions and measures taken to improve their safety oversight and management systems and capacities. Based on information received, the Commission notes that some progress has been made to address identified safety concerns. However certain deficiencies were identified, including the quality of the check-lists used by ICAA inspectors for both certification and oversight processes, as well as the ICAA training plan and its implementation. Assessment of the ICAA oversight results showed several shortcomings, notably in the way oversight findings are drafted, and their follow up assured. In this regard, it was also noted that appropriate enforcement measures were not taken by ICAA inspectors when needed.
- (21) The assessment of the information provided by *Iraqi Airways* demonstrated that the air carrier has made significant progress in different domains. It was noted that the air carrier had hired the services of an external consultant for the purpose of auditing the air carrier and developing a CAP, which is currently being implemented.
- (22) A Flight Data Monitoring Programme was initiated to further improve the amount of data to be analysed and used for developing safety improvement measures. Moreover, an internal reporting system was established, safety meetings on different strategic levels were launched, and some of the organisation's manuals were reviewed.
- (23) Notwithstanding the aforementioned progress, a number of challenges remain, including that several software applications in maintenance, flight operations and document management still need to be installed. The air carrier also needs to improve its functions and procedures related to addressing oversight findings raised by ICAA. Moreover, whereas *Iraqi Airways* has developed a Quality Management System ('QMS'), it seems that it is not capable to perform an appropriate follow-up of all findings raised under this system.

⁽⁷⁾ Commission Implementing Regulation (EU) 2015/2322 of 10 December 2015 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers, which are subject to an operating ban within the Community (OJ L 328, 12.12.2015, p. 67).

- (24) On 14 December 2021 and on 4 May 2022, at Iraq's request and as part of the Commission's continuous monitoring activities, the Commission, the Agency, Member States, ICAA, and *Iraqi Airways* held two technical meetings. At both occasions, ICAA presented the progress it made in addressing the safety concerns regarding its capacity to ensure effective safety oversight in the country, and notably as regards oversight of *Iraqi Airways*. *Iraqi Airways* presented the progress made in order to address previously identified safety deficiencies that ultimately led to a negative TCO decision adopted by the Agency, as well as other associated safety improvements.
- (25) ICAA and *Iraqi Airways* have shown a clear vision and ambition to improve their regulatory compliance and safety performance. However, additional improvements are still needed. The Commission will continue to engage with ICAA and *Iraqi Airways* to monitor and contribute to their efforts to enhance their safety oversight and management capabilities. In this context, it was noted that the Agency will launch a technical assistance project in the course of 2022 to support ICAA in its efforts to improve aviation safety oversight in Iraq.
- (26) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that at this time there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union with respect to air carriers from Iraq.
- (27) Member States should continue verifying the effective compliance of air carriers certified in Iraq with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.
- (28) Where any relevant safety information reveals imminent safety risks resulting from non-compliance with the relevant international safety standards, further action by the Commission may become necessary, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Kazakhstan

- (29) In December 2016, air carriers certified in Kazakhstan were removed from Annex A to Regulation (EC) No 474/2006, by Commission Implementing Regulation (EU) 2016/2214⁽⁸⁾, with the exception of *Air Astana*, which had been removed from Annex B in 2015 by Implementing Regulation (EU) 2015/2322.
- (30) In October 2021, as part of the Commission's continuous monitoring of the safety oversight system in Kazakhstan, experts from the Commission, the Agency, and Member States (the 'assessment team') conducted a Union on-site assessment visit in Kazakhstan at the offices of the Civil Aviation Committee of Kazakhstan ('CAC KZ'), and the Aviation Administration of Kazakhstan Joint Stock Company ('AAK'), as well as at the offices of three air carriers certified in Kazakhstan, namely *Air Astana*, *Jupiter Jet*, and *Qazaq Air*.
- (31) On 2 February 2022, AAK submitted to the Commission a CAP to address the shortcomings observed and reported by the assessment team. The Commission, together with the Agency, assessed the CAP, and provided CAC KZ and AAK with comments and adjustment suggestions.
- (32) On 27 and 28 April 2022, the Commission, the Agency, Member States and representatives of the CAC KZ and AAK held a technical meeting. The purpose of that meeting was to review the CAP development and implementation by CAC KZ and AAK, as well as the associated actions undertaken by them to ensure effective compliance of their safety oversight system with the relevant international safety standards.
- (33) Based on the submitted CAP and on the discussions and evidence provided during the technical meeting, it was noted that progress has been made in terms of addressing the observations made during the on-site assessment visit. It is apparent that all of the observations have been addressed to some degree, and that some can be considered closed.

⁽⁸⁾ Commission Implementing Regulation (EU) 2016/2214 of 8 December 2016 amending Regulation (EC) No 474/2006 as regards the list of air carriers which are subject to an operating ban within the Union (OJ L 334, 9.12.2016, p. 6).

- (34) The meeting showed that the CAC KZ and AAK still need to provide the Commission with further clarifications and evidence regarding certain actions and measures taken. The Commission also asked CAC KZ and AAK to review the CAP by further developing the root cause analysis of the safety deficiencies identified during the Union on-site assessment visit, with the aim to discuss it at the next technical meeting.
- (35) As a follow up to the EU Air Safety Committee's deliberations of November 2021, and confirmed during the April 2022 technical meeting, the Commission invited CAC KZ, AAK, and the air carrier *Air Astana* to a hearing before the EU Air Safety Committee on 17 May 2022.
- (36) At the hearing, CAC KZ and AAK provided the Commission and the EU Air Safety Committee with an overview of the system put in place to ensure safety oversight of the air carriers certified in Kazakhstan. They explained the Kazakh national safety development plan, which includes measures to improve the effectiveness of Kazakh air transport, including the effective implementation of the relevant international safety standards. Furthermore, AAK reported on the latest developments regarding its organisational structure, the size of the aviation industry in Kazakhstan, as well as the results of the ICAO Coordinated Validation Mission carried out in August 2021.
- (37) Underlining their commitment for continued improvement, CAC KZ and AAK provided the Commission and the EU Air Safety Committee with a comprehensive and detailed overview of the implementation of the CAP developed on the basis of the results of the Union on-site assessment visit of October 2021. This included the strategic objectives defined for the future, such as amendments to the Kazakh legal framework, AAK's manuals and procedures, the continuation of the improvements of its QMS, and the further effective implementation of the relevant international safety standards.
- (38) During the hearing, CAC KZ and AAK committed to keeping the Commission informed about the future actions to be taken with respect to the remaining observations made during the 2021 Union on-site assessment visit. Furthermore, they committed to a continued safety dialogue, including through the provision of relevant safety information and through additional meetings, at least twice a year, or when deemed necessary by the Commission.
- (39) Evidence indicates that the measures undertaken by CAC KZ and AAK already contribute to strengthening their capabilities to oversee the aviation activities in Kazakhstan. However, further improvements are needed as regards their ability to oversee that operations by air carriers certified in Kazakhstan are conducted in accordance with the relevant international safety standards, including by ensuring that appropriate resources for such safety oversight activities are assured.
- (40) On the basis of the information presented, it appears that since October 2021 CAC KZ and AAK have made noteworthy progress in the implementation of the relevant international safety standards. The Commission and the Agency noted their intent to further support CAC KZ and AAK with their efforts to further strengthen the aviation safety system in Kazakhstan.
- (41) During the hearing, the air carrier *Air Astana* gave an overview of its current fleet, and of the available resources and facilities. It described its robust and well-developed Safety Management System ('SMS') and QMS. The air carrier noted that it uses a set of software tools in order to integrate the safety, quality, and risk management data, including the fatigue risk management system.
- (42) When queried by the EU Air Safety Committee, the air carrier also debriefed on the oversight activities that AAK has performed on *Air Astana* in 2021-2022, and confirmed improvements in its interaction with the CAC KZ and AAK.
- (43) Based on its deliberations, the EU Air Safety Committee came to the conclusion that particular attention should be given to the continuous monitoring of the safety situation and developments in Kazakhstan, including through regular progress reporting from CAC KZ and AAK, and the possibility of inviting them for another hearing at a future meeting of the EU Air Safety Committee.

- (44) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that at this time there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union with respect to air carriers from Kazakhstan.
- (45) Member States should continue verifying the effective compliance of air carriers certified in Kazakhstan with the relevant international safety standards through prioritisation of ramp inspections of all those carriers, pursuant to Regulation (EU) No 965/2012.
- (46) Where any relevant safety information reveals imminent safety risks resulting from non-compliance with the relevant international safety standards, further action by the Commission may become necessary, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Moldova

- (47) In November 2021, air carriers from Moldova, were removed from Annex A to Regulation (EC) No 474/2006, by Commission Implementing Regulation (EU) 2021/2070 ⁽⁹⁾, with the exception of *Air Moldova*, *Aerotranscargo*, and *Fly One*, which have never been included in either Annex A or B.
- (48) By letter of 31 March 2022, the Civil Aviation Authority of Moldova ('CAAM') provided information and an update on the safety oversight activities for the period from November 2021 to March 2022. In addition to the update on the CAP developed on the basis of the Union on-site assessment visit in September 2021, the information provided by CAAM also included updates with respect to the latest amendments to the Moldovan national aviation legislative framework.
- (49) The Commission, having examined the information and documentation received, considers that the remaining open observations, stemming from the September 2021 on-site assessment visit, have been successfully addressed and can be closed. In view of the progress made, the Commission considers it sufficient that CAAM sends an annual update until such that it may be decided otherwise.
- (50) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that at this time there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union with respect to air carriers from Moldova.
- (51) Member States should continue verifying the effective compliance of air carriers certified in Moldova with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.
- (52) Where any relevant safety information reveals imminent safety risks resulting from non-compliance with the relevant international safety standards, further action by the Commission may become necessary, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Pakistan

- (53) In March 2007, *Pakistan International Airlines* was included in Annex B to Regulation (EC) No 474/2006 by Commission Regulation (EC) No 235/2007 ⁽¹⁰⁾, and subsequently removed in November 2007 by Commission Regulation (EC) No 1400/2007 ⁽¹¹⁾.
- (54) On 24 June 2020, a statement from the Pakistan Federal Minister for Aviation revealed that a high number of pilot licenses, issued by the Pakistan Civil Aviation Authority ('PCAA'), were obtained by fraudulent means.

⁽⁹⁾ Commission Implementing Regulation (EU) 2021/2070 of 25 November 2021 amending Regulation (EC) No 474/2006 as regards the list of air carriers, which are banned from operating or are subject to operational restrictions within the Union (OJ L 421, 26.11.2021, p. 31).

⁽¹⁰⁾ Commission Regulation (EC) No 235/2007 of 5 March 2007 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community (OJ L 66, 6.3.2007, p. 3).

⁽¹¹⁾ Commission Regulation (EC) No 1400/2007 of 28 November 2007 amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community (OJ L 311, 29.11.2007, p. 12)

- (55) That event, and the apparent lack of effective safety oversight by the PCAA, led the Agency to suspend the TCO authorisations of *Pakistan International Airlines* and *Vision Air* with effect from 1 July 2020.
- (56) On 1 July 2020, the Commission opened consultations with PCAA pursuant to Article 3(2) of Regulation (EC) No 473/2006. In that context, the Commission, in cooperation with the Agency and Member States, has organised a number of technical meetings with PCAA on respectively 9 July and 25 September 2020, 15 and 16 March 2021, 15 October 2021, and on 16 March 2022.
- (57) During those meetings, various issues were discussed, in particular the oversight of Pakistan-certified air carriers, including their SMS. The Commission requested information and evidence to verify whether a similar situation is not prevalent in other domains, such as cabin crew licensing, the licensing of maintenance engineers, or the certification of air carriers.
- (58) The information exchanged with PCAA on 16 March 2022 focussed on the outcome of the recent ICAO Universal Safety Oversight Audit Programme ('USOAP') visit. The Commission highlighted that due consideration will be given to the content of the audit report in order to determine the next steps of its own Air Safety List consultation process. During the meeting PCAA provided an overview of key aspects of the report, and committed to sharing the report with the Commission when finalised.
- (59) Upon receipt of the report, the Commission has been able to note that it does not contain any indication of areas requiring immediate remedial action. Nevertheless, whereas the report does indicate that most of the elements to discharge PCAA's responsibilities are there, it notes the need for PCAA to amend, supplement, or improve guidance and procedures, notably in the areas of pilot licensing. Furthermore, it notes the need for Pakistan's national legislation to be improved by incorporating provisions on enforcement policy and unrestricted access of inspection personnel to ensure an effective oversight.
- (60) On the basis of available information and exchanges with PCAA, the Commission acknowledges PCAA's efforts in adopting a CAP to address the identified safety deficiencies. The Commission, with the assistance of the Agency and Member States, notes that, after the ICAO USOAP visit, Pakistan is undergoing a major development process, including changes to its primary aviation legislation.
- (61) On this basis, the Commission, for the purpose of determining whether further action is required pursuant to Regulation (EC) No 2111/2005, will continue to engage with PCAA, and monitor the progress made to address the safety oversight situation in Pakistan. Through these continuous monitoring activities a determination will be made as to when to carry out a Union on-site assessment visit.
- (62) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that at this time there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union with respect to air carriers from Pakistan.
- (63) Member States should continue verifying the effective compliance of air carriers certified in Pakistan with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.
- (64) Where any relevant safety information reveals imminent safety risks resulting from non-compliance with the relevant international safety standards, further action by the Commission may become necessary, in accordance with Regulation (EC) No 2111/2005.

Air carriers from Russia

- (65) On 8 April 2022, air carriers from Russia, which had operated one or more of the aircraft mentioned in recital 4 or 5 of Commission Implementing Regulation (EU) 2022/594 ⁽¹²⁾, were included in Annex A to Regulation (EC) No 474/2006, by Implementing Regulation (EU) 2022/594.
- (66) On 28 April 2022, the Russian Federal Air Transport Agency ('FATA') informed the Commission that it considers any allegations of violations of the international civil aviation standards, as well as any safety concerns referred to in Implementing Regulation (EU) 2022/594, unfounded. FATA did not, however, provide any information to support its statement.
- (67) As part of its continuous monitoring activities, the Commission has determined that there is evidence that the air carrier *I Fly* has entered aircraft mentioned in recital 5 of Implementing Regulation (EU) 2022/594 in the aircraft registry of Russia, and that they have knowingly operated these aircraft in breach of the relevant international safety standards. The entry of the aircraft on the registry of Russia has been done without the consent of the owners, and without subsequent safety related collaboration of the Irish Aviation Authority, as the recognised State of Registry for these aircraft.
- (68) In accordance with Implementing Regulation (EU) 2022/594 and the common criteria in the Annex to Regulation (EC) No 2111/2005, the Commission considers that with respect to air carriers from Russia, the list of air carriers, which are subject to an operating ban within the Union should be amended to include *I Fly* in Annex A to Regulation (EC) No 474/2006.
- (69) Member States should continue verifying the effective compliance of air carriers certified by FATA with the relevant international safety standards, through prioritisation of ramp inspections of those air carriers pursuant to Regulation (EU) No 965/2012.

Air carriers from South Sudan

- (70) Air carriers certified in South Sudan have never been included in Annex A or B to Regulation (EC) No 474/2006.
- (71) Four fatal accidents, and several other accidents and serious incidents, have occurred in South Sudan in the last four years, often involving aircraft with suspicious registration marks.
- (72) On 26 March 2021, the Commission opened formal consultations with the South Sudan Civil Aviation Authority ('SSCAA') pursuant to Article 3(2) of Regulation (EC) No 473/2006.
- (73) In the ensuing exchange of correspondence, SSCAA communicated that the Air Operator Certificate ('AOC') of *South Sudan Supreme Airlines*, whose aircraft was involved in a fatal accident, was suspended, and that due to suspicions related to the registration of the aircraft involved in that accident, SSCAA was reviewing all aircraft operators and AOCs in the country. Also, SSCAA communicated that improvement actions were ongoing in the development and review of Regulations, Manuals and Training. Documents that include information regarding SSCAA's Inspection, Surveillance and Audit Programme, as well as reports on reviews of certain air carriers and on foreign registered aircraft operating in South Sudan, were provided on 5 November 2021.
- (74) On 28 March 2022, SSCAA communicated its answers to the questionnaire sent by the Commission on 26 March 2021. According to this, the SSCAA has yet to develop and rollout an effective oversight system. Also, SSCAA notes that, whereas it has not issued any licence or AOC, and that there are no aircraft registered in the country, SSCAA has issued air-operating permits to foreign registered aircraft to operate in South Sudan. There is no evidence of any oversight activity leading to the issuance of such permits or of the relevant continuous monitoring.

⁽¹²⁾ Commission Implementing Regulation (EU) 2022/594 of 8 April 2022 amending Regulation (EC) No 474/2006 as regards the list of air carriers banned from operating or subject to operational restrictions within the Union (OJ L 114, 12.4.2022, p. 49).

- (75) On 22 February 2022, the Commission informed SSCAA of its intention to put the review of the oversight situation of civil aviation in South Sudan on the agenda of the next meeting of the EU Air Safety Committee, and invited SSCAA to a hearing before the EU Air Safety Committee on 18 May 2022.
- (76) At the hearing, SSCAA provided the Commission and the EU Air Safety Committee with an overview of its organisational structure, and information regarding the size of the aviation industry in South Sudan. It described the functions of the different SSCAA Directorates and their responsibilities, and provided general information on the staffing of the authority. It explained that SSCAA is still heavily dependent on the support of the East African Community Civil Aviation Safety and Security Oversight Agency (EAC-CASSOA) for the establishment of civil aviation regulations, and for the development of an effective oversight process. In this regard, SSCAA noted that any assistance and support to its efforts would be welcome.
- (77) SSCAA confirmed that it has not issued any AOC, and it has not yet established an aircraft registry. However, SSCAA informed that, following a training that EAC-CASSOA will provide from 23 May 2022, it expects to reach the objective of establishing an aircraft registry, and of achieving a capability of certifying air carriers by means of the 5-phase certification process as per ICAO guidance.
- (78) SSCAA informed the Commission and the EU Air Safety Committee that it has issued 24 air operating permits to foreign air carriers, and that some of these authorised air carriers conduct domestic flights in the country. It would appear that this is the only certification activity conducted by SSCAA. SSCAA described the process for the issuance of such permits, by means of a validation of the AOCs, which comprises the inspection of documentation and the physical check of aircraft. However, this information was provided during the hearing only, and it was not possible to verify how the validation process is conducted.
- (79) During the hearing, SSCAA also provided an example of enforcement action taken against a foreign air carrier by revoking the operating permit when it found out that the air carrier's AOC had been revoked by its competent authority.
- (80) The Commission and the EU Air Safety Committee took note that there is no air carrier for which SSCAA has regulatory oversight responsibilities, since it has not issued any AOC, and that all air operations in the country are conducted by air carriers whose AOC have been issued by foreign authorities. As a consequence, taking into account the common criteria set out in the Annex to Regulation (EC) No 2111/2005, there is no air carrier certified by SSCAA that might qualify for action at Union level.
- (81) Furthermore, the Commission and the EU Air Safety Committee took note of SSCAA indications that it does not intend to issue any AOC until it has reached certification and oversight capabilities, which would make it able to implement and enforce the relevant international safety standard.
- (82) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that with respect to air carriers from South Sudan, there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union.
- (83) As part of its continuous monitoring activities, the Commission will continue to closely follow the safety situation in South Sudan. The EU Air Safety Committee came to the conclusion that particular attention should be given to the safety situation and developments in South Sudan, and SSCAA should be requested to provide regular reports regarding the progress made with respect to the establishment of civil aviation regulations, the development of an effective safety oversight process, and the capacity to issue AOCs. Should the Commission become aware of an imminent safety risk resulting from a non-compliance with the relevant international safety standards, such as the issuance of an AOC in the absence of an adequate certification and oversight capability of the SSCAA, further action by the Commission may become necessary, in accordance with Regulation (EC) No 2111/2005, such as the imposition of an operating ban on the air carriers concerned and their inclusion in Annex A to Regulation (EC) No 474/2006.
- (84) Regulation (EC) No 474/2006 should therefore be amended accordingly.

- (85) Articles 5 and 6 of Regulation (EC) No 2111/2005 recognise the need for decisions to be taken swiftly and, where appropriate, urgently, given the safety implications. It is therefore essential, for the protection of sensitive information and the traveling public, that any decisions in the context of updating the list of air carriers which are subject to an operating ban or restriction within the Union, are published and enter into force immediately after their adoption.
- (86) The measures provided for in this Regulation are in accordance with the opinion of the EU Air Safety Committee established by Article 15 of Regulation (EC) No 2111/2005,

HAS ADOPTED THIS REGULATION:

Article 1

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

- (1) Annex A is replaced by the text in Annex I to this Regulation;
- (2) Annex B is replaced by the text in Annex II 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, 1 June 2022.

*For the Commission,
On behalf of the President,
Adina VĂLEAN
Member of the Commission*

ANNEX I

'ANNEX A

**LIST OF AIR CARRIERS WHICH ARE BANNED FROM OPERATING WITHIN THE UNION, WITH
EXCEPTIONS ⁽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 three letter designator	State of the Operator
AVIOR AIRLINES	ROI-RNR-011	ROI	Venezuela
BLUE WING AIRLINES	SRBWA-01/2002	BWI	Suriname
IRAN ASEMAN AIRLINES	FS-102	IRC	Iran
IRAQI AIRWAYS	001	IAW	Iraq
MED-VIEW AIRLINE	MVA/AOC/10-12/05	MEV	Nigeria
AIR ZIMBABWE (PVT)	177/04	AZW	Zimbabwe
All air carriers certified by the authorities with responsibility for regulatory oversight of Afghanistan, including			Afghanistan
ARIANA AFGHAN AIRLINES	AOC 009	AFG	Afghanistan
KAM AIR	AOC 001	KMF	Afghanistan
All air carriers certified by the authorities with responsibility for regulatory oversight of Angola, with the exception of TAAG Angola Airlines and Heli Malongo, including			Angola
AEROJET	AO-008/11-07/17 TEJ	TEJ	Angola
GUICANGO	AO-009/11-06/17 YYY	Unknown	Angola
AIR JET	AO-006/11-08/18 MBC	MBC	Angola
BESTFLYA AIRCRAFT MANAGEMENT	AO-015/15-06/17YYY	Unknown	Angola
HELIANG	AO 007/11-08/18 YYY	Unknown	Angola
SJL	AO-014/13-08/18YYY	Unknown	Angola
SONAIR	AO-002/11-08/17 SOR	SOR	Angola
All air carriers certified by the authorities with responsibility for regulatory oversight of Armenia, including			Armenia
AIRCOMPANY ARMENIA	AM AOC 065	NGT	Armenia
ARMENIA AIRWAYS	AM AOC 063	AMW	Armenia
ARMENIAN HELICOPTERS	AM AOC 067	KAV	Armenia

(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.

FLYONE ARMENIA	AM AOC 074		Armenia
NOVAIR	AM AOC 071	NAI	Armenia
SHIRAK AVIA	AM AOC 072	SHS	Armenia
SKYBALL	AM AOC 073	N/A	Armenia
All air carriers certified by the authorities with responsibility for regulatory oversight of Congo (Brazzaville), including			Congo (Brazzaville)
CANADIAN AIRWAYS CONGO	CG-CTA 006	TWC	Congo (Brazzaville)
EQUAFLIGHT SERVICES	CG-CTA 002	EKA	Congo (Brazzaville)
EQUAJET	RAC06-007	EKJ	Congo (Brazzaville)
TRANS AIR CONGO	CG-CTA 001	TSG	Congo (Brazzaville)
SOCIETE NOUVELLE AIR CONGO	CG-CTA 004	Unknown	Congo (Brazzaville)
All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (DRC), including			Democratic Republic of Congo (DRC)
AIR FAST CONGO	AAC/DG/OPS-09/03	Unknown	Democratic Republic of Congo (DRC)
AIR KATANGA	AAC/DG/OPS-09/08	Unknown	Democratic Republic of Congo (DRC)
BUSY BEE CONGO	AAC/DG/OPS-09/04	Unknown	Democratic Republic of Congo (DRC)
COMPAGNIE AFRICAINE D'AVIATION (CAA)	AAC/DG/OPS-09/02	Unknown	Democratic Republic of Congo (DRC)
CONGO AIRWAYS	AAC/DG/OPS-09/01	Unknown	Democratic Republic of Congo (DRC)
KIN AVIA	AAC/DG/OPS-09/10	Unknown	Democratic Republic of Congo (DRC)
MALU AVIATION	AAC/DG/OPS-09/05	Unknown	Democratic Republic of Congo (DRC)
SERVE AIR CARGO	AAC/DG/OPS-09/07	Unknown	Democratic Republic of Congo (DRC)

SWALA AVIATION	AAC/DG/OPS-09/06	Unknown	Democratic Republic of Congo (DRC)
MWANT JET	AAC/DG/OPS-09/09	Unknown	Democratic Republic of Congo (RDC)
All air carriers certified by the authorities with responsibility for regulatory oversight of Djibouti, including			Djibouti
DAALLO AIRLINES	Unknown	DAO	Djibouti
All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including			Equatorial Guinea
CEIBA INTERCONTINENTAL	2011/0001/MTTCT/DGAC/SOPS	CEL	Equatorial Guinea
CRONOS AIRLINES	2011/0004/MTTCT/DGAC/SOPS	Unknown	Equatorial Guinea
All air carriers certified by the authorities with responsibility for regulatory oversight of Eritrea, including			Eritrea
ERITREAN AIRLINES	AOC No 004	ERT	Eritrea
NASAIR ERITREA	AOC No 005	NAS	Eritrea
All air carriers certified by the authorities with responsibility for regulatory oversight of Kyrgyzstan, including			Kyrgyzstan
AEROSTAN	08	BSC	Kyrgyzstan
AIR COMPANY AIR KG	50	Unknown	Kyrgyzstan
AIR MANAS	17	MBB	Kyrgyzstan
AVIA TRAFFIC COMPANY	23	AVJ	Kyrgyzstan
FLYSKY AIRLINES	53	FSQ	Kyrgyzstan
HELI SKY	47	HAC	Kyrgyzstan
KAP.KG AIRCOMPANY	52	KGS	Kyrgyzstan
SKY KG AIRLINES	41	KGK	Kyrgyzstan
TEZ JET	46	TEZ	Kyrgyzstan
VALOR AIR	07	VAC	Kyrgyzstan
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 Libya, including			Libya
AFRIQYAH AIRWAYS	007/01	AAW	Libya
AIR LIBYA	004/01	TLR	Libya
AL MAHA AVIATION	030/18	Unknown	Libya
BERNIQ AIRWAYS	032/21	BNL	Libya
BURAQ AIR	002/01	BRQ	Libya
GLOBAL AIR TRANSPORT	008/05	GAK	Libya
HALA AIRLINES	033/21	HTP	Libya
LIBYAN AIRLINES	001/01	LAA	Libya
LIBYAN WINGS AIRLINES	029/15	LWA	Libya
PETRO AIR	025/08	PEO	Libya
All air carriers certified by the authorities with responsibility for regulatory oversight of Nepal, including			Nepal
AIR DYNASTY HELI. S.	035/2001	Unknown	Nepal
ALTITUDE AIR	085/2016	Unknown	Nepal
BUDDHA AIR	014/1996	BHA	Nepal
FISHTAIL AIR	017/2001	Unknown	Nepal
SUMMIT AIR	064/2010	Unknown	Nepal
HELI EVEREST	086/2016	Unknown	Nepal
HIMALAYA AIRLINES	084/2015	HIM	Nepal
KAILASH HELICOPTER SERVICES	087/2018	Unknown	Nepal
MAKALU AIR	057A/2009	Unknown	Nepal
MANANG AIR PVT	082/2014	Unknown	Nepal
MOUNTAIN HELICOPTERS	055/2009	Unknown	Nepal
PRABHU HELICOPTERS	081/2013	Unknown	Nepal
NEPAL AIRLINES CORPORATION	003/2000	RNA	Nepal
SAURYA AIRLINES	083/2014	Unknown	Nepal
SHREE AIRLINES	030/2002	SHA	Nepal
SIMRIK AIR	034/2000	Unknown	Nepal
SIMRIK AIRLINES	052/2009	RMK	Nepal
SITA AIR	033/2000	Unknown	Nepal
TARA AIR	053/2009	Unknown	Nepal
YETI AIRLINES	037/2004	NYT	Nepal

The following air carriers certified by the authorities with responsibility for regulatory oversight of Russia			Russia
AURORA AIRLINES	486	SHU	Russia
AVIACOMPANY "AVIASTAR-TU" CO. LTD	458	TUP	Russia
IZHAVIA	479	IZA	Russia
JOINT STOCK COMPANY "AIR COMPANY "YAKUTIA"	464	SYL	Russia
JOINT STOCK COMPANY "RUSJET"	498	RSJ	Russia
JOINT STOCK COMPANY "UVT AERO"	567	UVT	Russia
JOINT STOCK COMPANY SIBERIA AIRLINES	31	SBI	Russia
JOINT STOCK COMPANY SMARTAVIA AIRLINES	466	AUL	Russia
JOINT-STOCK COMPANY "IRAERO" AIRLINES	480	IAE	Russia
JOINT-STOCK COMPANY "URAL AIRLINES"	18	SVR	Russia
JOINT-STOCK COMPANY ALROSA AIR COMPANY	230	DRU	Russia
JOINT-STOCK COMPANY NORDSTAR AIRLINES	452	TYA	Russia
JS AVIATION COMPANY "RUSLINE"	225	RLU	Russia
JSC YAMAL AIRLINES	142	LLM	Russia
LLC "NORD WIND"	516	NWS	Russia
LLC "AIRCOMPANY IKAR"	36	KAR	Russia
LTD I FLY	533	RSY	Russia
POBEDA AIRLINES LIMITED LIABILITY COMPANY	562	PBD	Russia
PUBLIC JOINT STOCK COMPANY "AEROFLOT - RUSSIAN AIRLINES"	1	AFL	Russia
ROSSIYA AIRLINES, JOINT STOCK COMPANY	2	SDM	Russia
SKOL AIRLINE LLC	228	CDV	Russia
UTAIR AVIATION, JOINT-STOCK COMPANY	6	UTA	Russia
All air carriers certified by the authorities with responsibility for regulatory oversight of Sao Tome and Principe, including			Sao Tome and Principe

AFRICA'S CONNECTION	10/AOC/2008	ACH	Sao Tome and Principe
STP AIRWAYS	03/AOC/2006	STP	Sao Tome and Principe
All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone			Sierra Leone
All air carriers certified by the authorities with responsibility for regulatory oversight of Sudan, including			Sudan
ALFA AIRLINES SD	54	AAJ	Sudan
BADR AIRLINES	35	BDR	Sudan
BLUE BIRD AVIATION	11	BLB	Sudan
ELDINDER AVIATION	8	DND	Sudan
GREEN FLAG AVIATION	17	GNF	Sudan
HELEJETIC AIR	57	HJT	Sudan
KATA AIR TRANSPORT	9	KTV	Sudan
KUSH AVIATION CO.	60	KUH	Sudan
NOVA AIRWAYS	46	NOV	Sudan
SUDAN AIRWAYS CO.	1	SUD	Sudan
SUN AIR	51	SNR	Sudan
TARCO AIR	56	TRQ	Sudan'

ANNEX II

ANNEX B

LIST OF AIR CARRIERS WHICH ARE SUBJECT TO OPERATIONAL RESTRICTIONS WITHIN THE UNION ⁽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 three letter designator	State of the Operator	Aircraft type restricted	Registration mark(s) and, when available, construction serial number(s) of restricted aircraft	State of registry
IRAN AIR	FS100	IRA	Iran	All aircraft of type Fokker F100 and of type Boeing B747	Aircraft of type Fokker F100 as mentioned on the AOC; aircraft of type Boeing B747 as mentioned on the AOC	Iran
AIR KORYO	GAC-AOC/ KOR-01	KOR	North Korea	All fleet with the exception of: 2 aircraft of type TU- 204.	All fleet with the exception of: P-632, P-633.	North Korea'

⁽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.