
Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 2111/2005 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

ANNEX

Common criteria for consideration of an operating ban for safety reasons at Community level

Decisions on action at Community level shall be taken according to the merits of each individual case. Depending upon the merits of each case, a carrier or all the carriers certified in the same state might be eligible for action at Community level.

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

1. Verified evidence of serious safety deficiencies on the part of an air carrier:
 - Reports showing serious safety deficiencies, or persistent failure by the carrier to address deficiencies identified by ramp inspections performed under the SAFA programme previously communicated to the carrier.
 - Serious safety deficiencies identified within the framework of the provisions for the gathering of information in Article 3 of Directive 2004/36/EC on the safety of third-country aircraft.
 - Operating ban imposed on a carrier by a third country because of substantiated deficiencies related to international safety standards.
 - Substantiated accident-related information or serious incident-related information indicating latent systemic safety deficiencies.
2. Lack of ability and/or willingness of an air carrier to address safety deficiencies as demonstrated by:
 - Lack of transparency or adequate and timely communication on the part of a carrier in response to an enquiry by the civil aviation authority of a Member State regarding the safety aspect of its operation.
 - Inappropriate or insufficient corrective action plan presented in response to an identified serious safety deficiency.
3. Lack of ability and/or willingness of the authorities responsible for the oversight of an air carrier to address safety deficiencies as demonstrated by:
 - Lack of cooperation with the civil aviation authority of a Member State by the competent authorities of another state, when concerns about the safety of the operation of a carrier licensed or certified in that state have been raised.
 - Insufficient ability of the competent authorities with regulatory oversight of the carrier to implement and enforce the relevant safety standards. Particular account should be taken of the following:
 - (a) audits and related corrective action plans established under ICAO's Universal Safety Oversight Audit Programme or under any applicable Community law;
 - (b) whether the operating authorisation or technical permission of any carrier under the oversight of that state has previously been refused or revoked by another state;
 - (c) the air operator's certificate has not been issued by the competent authority of the state where the carrier has its principle place of business.
 - Insufficient ability of the competent authorities of the state in which the aircraft used by the air carrier is registered to oversee the aircraft used by the carrier in accordance with its obligations under the Chicago Convention.

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Changes and effects yet to be applied to :

- Annex heading substituted by S.I. 2019/645 reg. 33(2)
- Regulation title amended by S.I. 2019/645 reg. 16(a)
- Regulation title amended by S.I. 2019/645 reg. 16(b)
- Annex words omitted by S.I. 2019/645 reg. 33(3)(a)
- Annex point 1 words omitted by S.I. 2019/645 reg. 33(4)(b)
- Annex words substituted by S.I. 2019/645 reg. 33(3)(b)
- Annex words substituted by S.I. 2019/645 reg. 33(4)(a)
- Annex point 2 words substituted by S.I. 2019/645 reg. 33(4)(c)
- Annex point 3 words substituted by S.I. 2019/645 reg. 33(4)(d)(i)
- Annex point 3(a) words substituted by S.I. 2019/645 reg. 33(4)(d)(ii)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Ch. 2 heading words substituted by S.I. 2019/645 reg. 19
- Signature words omitted by S.I. 2019/645 reg. 32
- Art. 1(1)(a) words substituted by S.I. 2019/645 reg. 17(2)(a)
- Art. 1(1)(a) words substituted by S.I. 2019/645 reg. 17(2)(b)
- Art. 2(f) words substituted by S.I. 2019/645 reg. 18(2)
- Art. 2(g) words inserted by S.I. 2019/645 reg. 18(3)(a)
- Art. 2(g) words substituted by S.I. 2019/645 reg. 18(3)(b)
- Art. 2(h) words substituted by S.I. 2019/645 reg. 18(4)
- Art. 2(j) words substituted by S.I. 2019/645 reg. 18(5)
- Art. 2(k)(l) inserted by S.I. 2019/645 reg. 18(6)
- Art. 4(1)(a) substituted by S.I. 2019/645 reg. 21(3)(b)
- Art. 4(1)(b) words substituted by S.I. 2019/645 reg. 21(3)(c)(i)
- Art. 4(1)(b) words substituted by S.I. 2019/645 reg. 21(3)(c)(ii)
- Art. 4(1)(b) words substituted by S.I. 2019/645 reg. 21(3)(c)(iii)
- Art. 4(1)(c) substituted by S.I. 2019/645 reg. 21(3)(d)
- Art. 10(1)(a) words substituted by S.I. 2019/645 reg. 27(2)(b)
- Art. 10(1)(b) words substituted by S.I. 2019/645 reg. 27(2)(b)
- Art. 12(2)(a) words substituted by S.I. 2019/645 reg. 28(a)(i)
- Art. 12(2)(a) words substituted by S.I. 2019/645 reg. 28(a)(ii)
- Art. 12(2)(b) words substituted by S.I. 2019/645 reg. 28(b)(i)
- Art. 12(2)(b) words substituted by S.I. 2019/645 reg. 28(b)(ii)