

Commission Implementing Regulation (EU) 2019/2105 of 9 December 2019 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 (Text with EEA relevance)

COMMISSION IMPLEMENTING REGULATION (EU) 2019/2105

of 9 December 2019

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

(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 passengers of the identity of the operating carrier, and repealing Article 9 of Directive 2004/36/CE<sup>(1)</sup>, and in particular Article 4(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 474/2006<sup>(2)</sup> establishes the list of air carriers which are subject to an operating ban within the Union.
- (2) Pursuant to Article 4(3) of Regulation (EC) No 2111/2005 certain Member States and the European Union Aviation Safety Agency ('EASA') communicated to the Commission information that is relevant for updating that list. Third countries and international organisations also provided relevant information. On the grounds of that information, 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 in Annex A or B to Regulation (EC) No 474/2006.
- (4) The Commission gave the air carriers concerned the opportunity to consult the documents provided by Member States, to submit written comments and to make an oral presentation to the Commission and to the Committee established by Regulation (EC) No 2111/2005 (the 'Air Safety Committee').
- (5) The Commission has informed the Air Safety Committee about the ongoing joint consultations, within the framework of Regulation (EC) No 2111/2005 and Commission Regulation (EC) No 473/2006<sup>(3)</sup>, with the competent authorities and air carriers of Armenia, Belarus, the Dominican Republic, Equatorial Guinea, Gabon, Indonesia,

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Moldova and Russia. The Commission also informed the Air Safety Committee about the aviation safety situation in Angola, Congo Brazzaville, Iraq, the Kyrgyz Republic, Malaysia, Nepal, Turkmenistan and Venezuela.

- (6) EASA informed the Commission and the Air Safety Committee about the technical assessments conducted for the initial evaluation and the continuous monitoring of Third Country Operator ('TCO') authorisations, issued under the provisions of Commission Regulation (EU) No 452/2014<sup>(4)</sup>.
- (7) EASA also informed the Commission and the 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<sup>(5)</sup>.
- (8) In addition, EASA informed the Commission and the Air Safety Committee about the technical assistance projects carried out in third countries affected by an operating ban under Regulation (EC) No 474/2006. EASA 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 EASA. 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 Air Safety Committee with an update on the alarming function status of the SAFA and TCO and with current statistics for alert messages for banned air carriers.

#### **Union air carriers**

- (10) Following the EASA's analysis of information resulting from ramp inspections carried out on the aircraft of Union air carriers and from standardisation inspections carried out by EASA, as well as specific inspections and audits carried out by national aviation authorities, several Member States have taken certain enforcement measures and informed the Commission and the Air Safety Committee about those measures. Bulgaria informed the Commission and the Air Safety Committee about actions it had taken with regard to the air carriers certified in Bulgaria.
- (11) Member States reiterated their readiness to act as necessary in the event that the relevant safety information indicates imminent safety risks as a consequence of a lack of compliance by Union air carriers with the relevant safety standards.

#### **Air carriers from Armenia**

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- (12) Air carriers from Armenia have never been included in Annex A to Regulation (EC) No 474/2006.
- (13) In July 2019, as part of its TCO authorisation process, EASA conducted an on-site visit to Armenia's Civil Aviation Committee ('CAC') and to two air carriers, namely *Taron Avia LLC* and *Atlantis European Airways*.
- (14) Following that visit, EASA concluded that CAC had not systematically followed the established certification process when updating the Operations Specifications of these air carriers. Moreover, CAC could not provide assurances that it was systematically assessing the Safety Management Systems, the continuing airworthiness systems, and the maintenance organisations of the air carriers that it had certified. Furthermore, CAC was lacking capacity to identify significant non-compliances with international safety standards by the air carriers.
- (15) Further to the findings made by EASA during its TCO authorisation process, the Commission, by letter of 11 October 2019, informed CAC about a number of safety concerns related to the air carriers registered in Armenia, and invited CAC and the air carrier *Taron Avia LLC* for a hearing before the Air Safety Committee in accordance with Article 7 of Regulation (EC) No 2111/2005.
- (16) On 7 November 2019, the Commission, EASA and CAC held a technical meeting in Brussels. During that meeting, CAC provided information on its surveillance activities, including plans on its reorganisation, the recruitment and training of technical personnel, and on improving its surveillance capabilities. CAC informed the Commission that as a result of EASA TCO findings for *Taron Avia LLC* in July 2019, CAC had decided on 7 November 2019 to revoke the Air Operator Certificate ('AOC') of this air carrier. Considering that *Taron Avia LLC* consequently ceased its operations, it was no longer necessary to invite the air carrier for a hearing before the Air Safety Committee.
- (17) Based on information available at present, including EASA's TCO assessment results, the ramp inspections conducted by the Member States within the SAFA programme and information provided by CAC, the Commission considers that CAC should further develop its inspection capacity of the air carriers for which it has certification and oversight responsibilities.
- (18) During a hearing before the Air Safety Committee, which took place on 20 November 2019, CAC presented an overview of its organisation and structure, including details on the workforce assigned to its Airworthiness Department and Flight Operations Department. CAC provided details about the actions taken with respect to a number of air carriers registered in Armenia, about the training for the inspectors, and its future developments, including the plans dedicated to the recruitment of new inspectors. The Commission underlined its expectation that, as it is the case for all civil aviation authorities, CAC

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should only issue AOCs and accept aircraft on its registry if and when it has a full capability to oversee them.

- (19) In addition, CAC highlighted the planned convergence with the Union's regulatory framework as a result of concluding and implementing the Common Aviation Area Agreement between the European Union and its Member States and Armenia.
- (20) During the hearing, CAC undertook to keep the Commission continuously informed about its oversight activities and actions taken to further improve civil aviation safety in Armenia, notably the further development and implementation of Armenia's State Safety Programme.
- (21) The Commission intends to carry out, with the assistance of EASA and the support of Member States, a Union on-site assessment visit to Armenia to verify whether certification and oversight of air carriers by CAC is conducted in compliance with the relevant international safety standards. This on-site assessment visit will focus on CAC and selected Armenian air carriers.
- (22) Whereas various deficiencies identified will need rectification, they are not of a nature that would warrant the inclusion of all air carriers from Armenia in Annex A to Regulation (EC) No 474/2006.
- (23) Based on information currently available, in accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from Armenia there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union.
- (24) Through prioritisation of ramp inspections of all air carriers certified in Armenia, pursuant to Regulation (EU) No 965/2012, Member States should continue verifying the effective compliance of air carriers certified in Armenia with the relevant international safety standards.
- (25) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

#### **Air carriers from Belarus**

- (26) Air carriers from Belarus have never been included in Annex A to Regulation (EC) No 474/2006.
- (27) On 17 September 2018, further to safety deficiencies identified by EASA in the framework of the TCO authorisation process, pursuant to Article 3(2) of Regulation (EC) No 473/2006 the Commission opened consultations with the Aviation Department of Belarus ('AD-BLR').

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- (28) Following the hearing before the Air Safety Committee on 3 April 2019, the Air Safety Committee recognised AD-BLR's progress in implementing international safety standards, but at the same time it determined that AD-BLR should engage in further improvements of its safety oversight capability.
- (29) On 5 November 2019, the Commission, EASA and representatives of AD-BLR held a technical meeting. The purpose of that meeting was to review the corrective action plan implemented by AD-BLR, as well as the associated actions undertaken by AD-BLR to ensure effective compliance of its safety oversight system with the international safety standards. The meeting showed the need for AD-BLR to provide the Commission with further clarifications regarding certain undertaken actions. The Commission received this additional information on 14 November 2019.
- (30) The Commission also asked AD-BLR to review the corrective action plan by further developing the root-cause analysis of the safety deficiencies identified during the Union on-site assessment visit of March 2019, with the aim to discuss it in the first quarter of 2020 at a next technical meeting in Brussels.
- (31) On 20 November 2019, the Commission reported to the Air Safety Committee on the information provided by AD-BLR, namely the progress made in the implementation of the dedicated inspectorate for the aviation sector, the creation of the Quality Department, the status of the recertification programme of air carriers certified by AD-BLR as well as the measures taken to improve the surveillance programme. The Commission also informed the Air Safety Committee that the civil aviation situation in Belarus remained under close scrutiny.
- (32) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from Belarus there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union.
- (33) Through prioritisation of ramp inspections of all air carriers certified in Belarus, pursuant to Regulation (EU) No 965/2012, Member States should continue verifying the effective compliance of air carriers certified in Belarus with the relevant international safety standards.
- (34) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

#### **Air carriers from the Dominican Republic**

- (35) Air carriers from the Dominican Republic have never been included in Annex A to Regulation (EC) No 474/2006.

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- (36) On 15 April 2019, further to safety deficiencies identified by EASA in the framework of the TCO authorisation process and based on the analysis of ramp inspections carried out under the SAFA programme, pursuant to Article 3(2) of Regulation (EC) No 473/2006 the Commission opened consultations with the Instituto Dominicano de Aviación Civil ('IDAC').
- (37) On 10 October 2019, the Commission, EASA, a representative of a Member State and representatives of IDAC held a technical meeting. During that meeting, IDAC provided the Commission with general information about the aviation sector in the Dominican Republic, the staff available for the oversight activities, and the way such activities are conducted. The difficulties encountered by certain air carriers during the TCO authorisation process, mostly due to safety deficiencies, as well as the findings raised during SAFA ramp inspections were also discussed. IDAC informed the Commission that corrective measures were under way to address the root causes of the safety deficiencies identified by EASA. In particular, IDAC informed about the ongoing actions with respect to the training of staff.
- (38) During that meeting, IDAC also informed about the level of implementation of the State Safety Programme in the Dominican Republic. Confident that its activities are carried out in full compliance with the international safety standards, IDAC invited the Union to make an on-site assessment visit. The Commission considers that it is indeed necessary to conduct a Union on-site assessment visit before the next meeting of the Air Safety Committee.
- (39) Even though various deficiencies have been identified by the Commission and EASA from the analysis of information received through documents and the technical meeting, they are not of a nature that would justify the inclusion of air carriers from the Dominican Republic in Annex A to Regulation (EC) No 474/2006.
- (40) Based on information currently available, in accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from the Dominican Republic there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union.
- (41) Through prioritisation of ramp inspections of all air carriers certified in the Dominican Republic, pursuant to Regulation (EU) No 965/2012, Member States should continue verifying the effective compliance of air carriers certified in the Dominican Republic with the relevant international safety standards.
- (42) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

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### **Air carriers from Equatorial Guinea**

- (43) In 2006 all carriers certified in Equatorial Guinea were included in Annex A to Regulation (EC) No 474/2006.
- (44) In October 2017, a Union on-site assessment visit took place in Equatorial Guinea, during which the work of the aviation authority, the Autoridad Aeronáutica de Guinea Ecuatorial (AAGE), was assessed. Two active air carriers certified in Equatorial Guinea, namely *CEIBA Intercontinental* and *Cronos Airlines*, were also visited. The Union on-site assessment visit identified the need for further improvements in order to keep the safety oversight system up-to-date with recent amendments to the international safety standards. For this purpose, AAGE developed a corrective action plan.
- (45) In December 2018, AAGE expressed to the Commission its interest in re-opening a dialogue on amending Annex A to Regulation (EC) No 474/2006 with respect to all carriers certified in Equatorial Guinea. On 12 February 2019, the Commission sent a letter to AAGE asking for a detailed report on the implementation of the corrective action plan and for any other relevant information indicating the progress of AAGE in addressing its safety deficiencies. AAGE provided information between 11 July and 20 August 2019, which was incomplete, therefore on 10 September 2019 the Commission informed AAGE that the information provided was incomplete. On 17 September 2019 and on 28 October 2019, the AAGE sent more information concerning *CEIBA Intercontinental* and *Cronos Airlines*, respectively, as well as information about the AAGE's organisation, staff and oversight activities.
- (46) On 6 November 2019, EASA concluded that all requested documentation was provided and that this information showed improvements of the surveillance activities within the safety oversight system of AAGE, including strengthened oversight activities of the two commercial air carriers *CEIBA Intercontinental* and *Cronos Airlines*. However, EASA also concluded that there were still concerns on the capacity of AAGE to rectify deficiencies in a sustainable manner.
- (47) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from Equatorial Guinea there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union.
- (48) Through prioritisation of ramp inspections of all air carriers certified in Equatorial Guinea, pursuant to Regulation (EU) No 965/2012, Member States should continue verifying the effective compliance of air carriers certified in Equatorial Guinea with the relevant international safety standards.

### **Air carriers from Gabon**

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- (49) In 2008<sup>(6)</sup> all carriers certified in Gabon were included in Annex A to Regulation (EC) No 474/2006, with the exception of *Gabon Airlines* and *Afrijet* which were included in Annex B to that Regulation.
- (50) Consultations between the Commission and the competent authorities of Gabon, the Agence Nationale de l'Aviation Civile ('ANAC Gabon'), continued with the aim of monitoring the progress of ANAC Gabon in ensuring that its aviation safety oversight system complies with international safety standards.
- (51) The ICAO audit of January 2019 concluded that ANAC Gabon achieved a rate of effective implementation of international safety standards of 72,6 %, which represents an increase from a rate of 26,1 % achieved in 2016.
- (52) From 14 to 18 October 2019, a Union on-site assessment visit was conducted in Gabon at the offices of ANAC Gabon and in the premises of the two currently certified air carriers, namely *Afrijet Business Service* and *Solenta Aviation Gabon*.
- (53) During the visit, ANAC Gabon demonstrated that it had made significant progress in recent years, namely that it is capable of maintaining and enforcing a sound regulatory system. It appears that the national regulations are regularly updated when new amendments to ICAO standards and recommended practices are adopted. ANAC Gabon provided evidence that it had put in place a solid process for the recruitment and training of its personnel. The staff is well qualified and motivated, albeit the acquisition of experience remains a challenge. ANAC Gabon should ensure that effective management of the competencies required for its activities is put in place. ANAC Gabon has provided evidence that the certification of air carriers was conducted in accordance with the ICAO process and that all activities were well documented. Evidence also indicated that ANAC Gabon had the capabilities to oversee the aviation activities in Gabon and to address the identified safety deficiencies.
- (54) The visits to the two air carriers currently certified in Gabon concluded that both were in control of continuing airworthiness and performed operations in accordance with applicable international safety standards. However, sampling of other activities revealed some minor deficiencies, none of them having an immediate impact on aviation safety.
- (55) On 20 November 2019, the Commission and the Air Safety Committee heard ANAC Gabon and the air carriers *Afrijet Business Service* and *Solenta Aviation Gabon*.
- (56) During that hearing, ANAC Gabon presented to the Commission and the Air Safety Committee the system put in place to ensure safety oversight of the air carriers certified in Gabon. It explained that the progress in the effective implementation of international safety standards, as demonstrated



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by the ICAO audit of 2019, was the result of a series of actions undertaken since 2012. Underlining its commitment for continuing improvement, ANAC Gabon informed the Commission and the Air Safety Committee of the implementation of the corrective action plan developed in response to the results of the Union on-site assessment visit of October 2019. This includes the strategic objectives defined for the future, such as the establishment of a State Safety Programme, the certification of a quality system, and the further improvement of the effective implementation of international safety standards. All these developments are of a positive nature. However, the expected growth of civil aviation activity in Gabon will necessitate the adoption of specific mitigation measures by ANAC Gabon, notably in terms of the staffing numbers of the organisation and the level of required expertise.

- (57) During the hearing, *Afrijet Business Service* presented an overview of its organisation and structure, its current fleet and route development plans, and key elements of the air carrier's Safety Management System, including its hazard identification and risk mitigation process.
- (58) *Solenta Aviation Gabon* presented an overview of its organisation and structure, its current fleet and route development plans, and key elements of the air carrier's Safety Management System, including its hazard identification and risk mitigation process. It emphasised its commitment to continuously improving its safety performance, highlighted by an explanation of the complexity of the air carrier's operations and crew management, including the safety management processes used to ensure safe operations. It added that those operations are put under close scrutiny by ANAC Gabon.
- (59) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that the list of air carriers which are subject to an operating ban within the Union should be amended to remove all air carriers certified in Gabon from Annex A and Annex B to Regulation (EC) No 474/2006.
- (60) Through prioritisation of ramp inspections of all air carriers certified in Gabon, pursuant to Regulation (EU) No 965/2012, Member States should continue verifying the effective compliance of air carriers certified in Gabon with the relevant international safety standards.
- (61) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

#### **Air carriers from Indonesia**

- (62) All carriers from Indonesia were removed in June 2018 from Annex A to Regulation (EC) No 474/2006, as amended by Commission Implementing Regulation (EU) 2018/871<sup>(7)</sup>. In order to further monitor the safety oversight

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system in Indonesia, the Commission and the Directorate-General of Civil Aviation of Indonesia ('DGCA Indonesia') continued consultations pursuant to Article 3(2) of Regulation (EC) No 473/2006. In that context, by letter of 27 September 2019, DGCA Indonesia provided information and an update on the safety oversight activities for the period from March 2019 to September 2019. In addition to the update on the corrective action plan as a result of the Union on-site assessment visit of March 2018, the information provided by DGCA Indonesia also included updates with respect to the list of AOC holders, registered aircraft, accidents, serious incidents and aviation occurrences, and enforcement measures taken by DGCA Indonesia.

- (63) DGCA Indonesia also informed the Commission about the status of the corrective actions taken following the ICAO Coordinated Validation Mission (ICVM) that took place in 2017, which shows a continuous improvement especially in the area of airworthiness.
- (64) The Commission, having examined the information and documentation received, considers that most of the explanations given on the corrective actions plan, serious incidents and enforcement measures are adequate. As a result, some findings of the corrective action plan were closed, and the proposed new dates for closure were accepted.
- (65) On 29 October 2019, the final report of the *Lion Air* flight JT610 accident was issued. As part of its continuous monitoring activities of Indonesia, the Commission will request DGCA Indonesia to continue providing related information, notably with regard to the follow-up to the safety recommendations contained in the report.
- (66) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage with respect to air carriers from Indonesia there are no grounds for amending the list of air carriers, which are subject to an operating ban within the Union.
- (67) Through prioritisation of ramp inspections of all air carriers certified in Indonesia, pursuant to Regulation (EU) No 965/2012, Member States should continue verifying the effective compliance of air carriers certified in Indonesia with the relevant international safety standards.
- (68) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

#### **Air carriers from Moldova**

- (69) In April 2019<sup>(8)</sup>, all air carriers certified in Moldova, except for the three air carriers *Air Moldova*, *Fly One* and *Aerotranscargo*, were subjected to a full operating ban, mainly due to the inability of the Civil Aviation Authority of

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Moldova ('CAAM') to implement and enforce applicable international safety standards.

- (70) The low level of implementation of international safety standards had been identified during a Union on-site assessment visit carried out in February 2019, where a number of observations were raised with respect to the regulations, procedures and practices of CAAM.
- (71) On 24 October 2019, a technical meeting was held between representatives of the Commission, EASA, a Member State and CAAM. During the meeting, CAAM provided information about actions taken in order to develop a national legislative framework compliant with the international safety standards and targeted at improving the safety oversight system in Moldova, including the steps made with respect to implementation of a stronger quality management function in the authority.
- (72) CAAM also provided information on the new Management Manual of the authority, the State Safety Programme Gap Analysis Checklist, together with the State Safety Policy and a status of implementation of the Safety Management System for the Moldavan air carriers. In addition, CAAM informed the Commission that, as a result of the audits and inspections performed to the air carriers registered in Moldova, four AOCs were suspended, of which two were restored, and two ultimately revoked, namely *CA Î.M., TANDEM AERO* SRL and *CA "OSCAR JET" SRL*.
- (73) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission considers that the list of air carriers, which are subject to an operating ban within the Union should be amended to remove the air carriers *CA Î.M., TANDEM AERO* SRL and *CA "OSCAR JET" SRL* from Annex A to Regulation (EC) No 474/2006.
- (74) Through prioritisation of ramp inspections of all air carriers certified in Moldova, pursuant to Regulation (EU) No 965/2012, Member States should continue verifying the effective compliance of air carriers certified in Moldova with the relevant international safety standards.
- (75) If any relevant safety information indicates that there are imminent safety risks as a consequence of a lack of compliance with international safety standards, the Commission might be obliged to take further action, in accordance with Regulation (EC) No 2111/2005.

#### **Air carriers from Russia**

- (76) The Commission, EASA and the competent authorities of the Member States have continued to closely monitor the safety performance of air carriers certified in Russia and operating within the Union, including through prioritisation of the ramp inspections carried out on certain Russian air carriers in accordance with Regulation (EU) No 965/2012.

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- (77) On 25 October 2019, representatives of the Commission, EASA and a Member State met with representatives of the Russian Federal Air Transport Agency ('FATA') to review the safety performance of air carriers certified in Russia on the basis of reports of ramp inspections carried out in the period between 19 March 2019 and 4 October 2019, and to identify in which cases FATA should strengthen its oversight activities.
- (78) The review of the SAFA ramp inspections of air carriers certified in Russia did not reveal any significant or recurrent safety deficiency. During the meeting FATA informed the Commission about the measures undertaken to ensure the compliance of the air carriers certified in Russia with the English language proficiency requirements as defined by ICAO.
- (79) Based on the information currently available, including information provided by FATA at the meeting, the Commission considers that at this stage FATA has the necessary ability and willingness to address safety deficiencies. On those grounds, the Commission concluded that there was no need for a hearing of the Russian aviation authorities or of any air carriers certified in Russia before the Air Safety Committee.
- (80) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, the Commission therefore considers that at this stage there are no grounds for amending the list of air carriers which are subject to an operating ban within the Union by including air carriers from Russia.
- (81) Member States should keep verifying effective compliance with the relevant international safety standards by the air carriers from Russia, through prioritisation of ramp inspections in accordance with Regulation (EU) No 965/2012.
- (82) Where those inspections detect an imminent safety risk as a consequence of non-compliance with international safety standards, the Commission can impose an operating ban on the Russian-certified air carriers concerned and include them in Annex A or Annex B to Regulation (EC) No 474/2006.
- (83) Regulation (EC) No 474/2006 should therefore be amended accordingly.
- (84) The measures provided for in this Regulation are in accordance with the opinion of the Air Safety Committee established by 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 set out in Annex I to this Regulation;
- (2) Annex B is replaced by the text set out in Annex II to this Regulation.

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## *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, 9 December 2019.

*For the Commission,*

*On behalf of the President,*

Adina VĂLEAN

*Member of the Commission*

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## ANNEX I

Annex A to Regulation (EC) No 474/2006 is replaced by the following:

## ANNEX A

### LIST OF AIR CARRIERS WHICH ARE BANNED FROM OPERATING WITHIN THE UNION, WITH EXCEPTIONS<sup>(9)</sup>

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
<i>AVIOR AIRLINES</i>	ROI-RNR-011	ROI	Venezuela
<i>BLUE WING AIRLINES</i>	SRBWA-01/2002	BWI	Suriname
<i>IRAN ASEMAN AIRLINES</i>	FS-102	IRC	Islamic Republic of Iran
<i>IRAQI AIRWAYS</i>	001	IAW	Iraq
<i>MED-VIEW AIRLINE</i>	MVA/AOC/10-12/05	MEV	Nigeria
<i>AIR ZIMBABWE (PVT) LTD</i>	177/04	AZW	Zimbabwe
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Afghanistan, including</b>			<b>Islamic Republic of Afghanistan</b>
<i>ARIANA AFGHAN AIRLINES</i>	AOC 009	AFG	Islamic Republic of Afghanistan
<i>KAM AIR</i>	AOC 001	KMF	Islamic Republic of Afghanistan
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Angola, with the exception of <i>TAAG Angola Airlines</i> and <i>Heli Malongo</i>, including</b>			<b>Republic of Angola</b>

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Document Generated: 2023-08-27

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<i>AEROJET</i>	AO-008/11-07/17 TEJ	TEJ	Republic of Angola
<i>GUICANGO</i>	AO-009/11-06/17 YYY	Unknown	Republic of Angola
<i>AIR JET</i>	AO-006/11-08/18 MBC	MBC	Republic of Angola
<i>BESTFLYA AIRCRAFT MANAGEMENT</i>	AO-015/15-06/17YYY	Unknown	Republic of Angola
<i>HELIANG</i>	AO 007/11-08/18 YYY	Unknown	Republic of Angola
<i>SJL</i>	AO-014/13-08/18YYY	Unknown	Republic of Angola
<i>SONAIR</i>	AO-002/11-08/17 SOR	SOR	Republic of Angola
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of the Republic of Congo, including</b>			<b>Republic of Congo</b>
<i>AERO SERVICE</i>	RAC06-002	RSR	Republic of Congo
<i>CANADIAN AIRWAYS CONGO</i>	RAC06-012	Unknown	Republic of Congo
<i>EMERAUDE</i>	RAC06-008	Unknown	Republic of Congo
<i>EQUAFLIGHT SERVICES</i>	RAC 06-003	EKA	Republic of Congo
<i>EQUAJET</i>	RAC06-007	EKJ	Republic of Congo
<i>EQUATORIAL CONGO AIRLINES S.A.</i>	RAC 06-014	Unknown	Republic of Congo
<i>MISTRAL AVIATION</i>	RAC06-011	Unknown	Republic of Congo
<i>TRANS AIR CONGO</i>	RAC 06-001	TSG	Republic of Congo
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Democratic Republic of Congo (DRC), including</b>			<b>Democratic Republic of Congo (DRC)</b>
<i>AIR FAST CONGO</i>	409/CAB/MIN/ TVC/0112/2011	Unknown	Democratic Republic of Congo (DRC)

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<i>AIR KASAI</i>	409/CAB/MIN/ TVC/0053/2012	Unknown	Democratic Republic of Congo (DRC)
<i>AIR KATANGA</i>	409/CAB/MIN/ TVC/0056/2012	Unknown	Democratic Republic of Congo (DRC)
<i>AIR TROPIQUES</i>	409/CAB/MIN/ TVC/00625/2011	Unknown	Democratic Republic of Congo (DRC)
<i>BLUE AIRLINES</i>	106/CAB/MIN/ TVC/2012	BUL	Democratic Republic of Congo (DRC)
<i>BLUE SKY</i>	409/CAB/MIN/ TVC/0028/2012	Unknown	Democratic Republic of Congo (DRC)
<i>BUSY BEE CONGO</i>	409/CAB/MIN/ TVC/0064/2010	Unknown	Democratic Republic of Congo (DRC)
<i>COMPAGNIE AFRICAINNE D'AVIATION (CAA)</i>	409/CAB/MIN/ TVC/0050/2012	Unknown	Democratic Republic of Congo (DRC)
<i>CONGO AIRWAYS</i>	019/CAB/MIN/ TVC/2015	Unknown	Democratic Republic of Congo (DRC)
<i>DAKOTA SPRL</i>	409/CAB/MIN/ TVC/071/2011	Unknown	Democratic Republic of Congo (DRC)
<i>DOREN AIR CONGO</i>	102/CAB/MIN/ TVC/2012	Unknown	Democratic Republic of Congo (DRC)
<i>GOMAIR</i>	409/CAB/MIN/ TVC/011/2010	Unknown	Democratic Republic of Congo (DRC)
<i>KIN AVIA</i>	409/CAB/MIN/ TVC/0059/2010	Unknown	Democratic Republic of Congo (DRC)
<i>KORONGO AIRLINES</i>	409/CAB/MIN/ TVC/001/2011	KGO	Democratic Republic of Congo (DRC)
<i>MALU AVIATION</i>	098/CAB/MIN/ TVC/2012	Unknown	Democratic Republic of Congo (DRC)
<i>MANGO AIRLINES</i>	409/CAB/MIN/ TVC/009/2011	Unknown	Democratic Republic of Congo (DRC)
<i>SERVE AIR</i>	004/CAB/MIN/ TVC/2015	Unknown	Democratic Republic of Congo (DRC)
<i>SERVICES AIR</i>	103/CAB/MIN/ TVC/2012	Unknown	Democratic Republic of Congo (DRC)
<i>SWALA AVIATION</i>	409/CAB/MIN/ TVC/0084/2010	Unknown	Democratic Republic of Congo (DRC)
<i>TRANSAIR CARGO SERVICES</i>	409/CAB/MIN/ TVC/073/2011	Unknown	Democratic Republic of Congo (DRC)
<i>WILL AIRLIFT</i>	409/CAB/MIN/ TVC/0247/2011	Unknown	Democratic Republic of Congo (DRC)



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<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Djibouti, including</b>			<b>Djibouti</b>
<i>DAALLO AIRLINES</i>	Unknown	DAO	Djibouti
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Equatorial Guinea, including</b>			<b>Equatorial Guinea</b>
<i>CEIBA INTERCONTINENTAL</i>	2011/0001/MTTCT/ DGAC/SOPS	CEL	Equatorial Guinea
<i>Cronos AIRLINES</i>	2011/0004/MTTCT/ DGAC/SOPS	Unknown	Equatorial Guinea
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Eritrea, including</b>			<b>Eritrea</b>
<i>ERITREAN AIRLINES</i>	AOC No 004	ERT	Eritrea
<i>NASAIR ERITREA</i>	AOC No 005	NAS	Eritrea
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of the Kyrgyz Republic, including</b>			<b>Kyrgyz Republic</b>
<i>AIR BISHKEK (formerly EASTOK AVIA)</i>	15	EAA	Kyrgyz Republic
<i>AIR MANAS</i>	17	MBB	Kyrgyz Republic
<i>AVIA TRAFFIC COMPANY</i>	23	AVJ	Kyrgyz Republic
<i>CENTRAL ASIAN AVIATION SERVICES (CAAS)</i>	13	CBK	Kyrgyz Republic
<i>HELI SKY</i>	47	HAC	Kyrgyz Republic

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<i>AIR KYRGYZSTAN</i>	03	LYN	Kyrgyz Republic
<i>MANAS AIRWAYS</i>	42	BAM	Kyrgyz Republic
<i>S GROUP INTERNATIONAL (formerly S GROUP AVIATION)</i>	45	IND	Kyrgyz Republic
<i>SKY BISHKEK</i>	43	BIS	Kyrgyz Republic
<i>SKY KG AIRLINES</i>	41	KGK	Kyrgyz Republic
<i>SKY WAY AIR</i>	39	SAB	Kyrgyz Republic
<i>TEZ JET</i>	46	TEZ	Kyrgyz Republic
<i>VALOR AIR</i>	07	VAC	Kyrgyz Republic
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Liberia.</b>			<b>Liberia</b>
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Libya, including</b>			<b>Libya</b>
<i>AFRIQIYAH AIRWAYS</i>	007/01	AAW	Libya
<i>AIR LIBYA</i>	004/01	TLR	Libya
<i>BURAQ AIR</i>	002/01	BRQ	Libya
<i>GHADAMES AIR TRANSPORT</i>	012/05	GHT	Libya
<i>GLOBAL AVIATION AND SERVICES</i>	008/05	GAK	Libya
<i>LIBYAN AIRLINES</i>	001/01	LAA	Libya
<i>PETRO AIR</i>	025/08	PEO	Libya
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Moldova with the exception of <i>Air Moldova, Fly One</i> and <i>Aerotrascargo</i>, including</b>			<b>Republic of Moldova</b>

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<i>Î.M “VALAN ICC” SRL</i>	MD009	VLN	Republic of Moldova
<i>CA “AIM AIR” SRL</i>	MD015	AAM	Republic of Moldova
<i>CA “AIR STORK” SRL</i>	MD018	MSB	Republic of Moldova
<i>Î M „MEGAVIATION” SRL</i>	MD019	ARM	Republic of Moldova
<i>CA “PECOTOX-AIR” SRL</i>	MD020	PXA	Republic of Moldova
<i>CA “TERRA AVIA” SRL</i>	MD022	TVR	Republic of Moldova
<i>CA “FLY PRO” SRL</i>	MD023	PVV	Republic of Moldova
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Nepal, including</b>			<b>Republic of Nepal</b>
<i>AIR DYNASTY HELI. S.</i>	035/2001	Unknown	Republic of Nepal
<i>AIR KASTHAMANDAP</i>	051/2009	Unknown	Republic of Nepal
<i>BUDDHA AIR</i>	014/1996	BHA	Republic of Nepal
<i>FISHTAIL AIR</i>	017/2001	Unknown	Republic of Nepal
<i>GOMA AIR</i>	064/2010	Unknown	Republic of Nepal
<i>HIMALAYA AIRLINES</i>	084/2015	HIM	Republic of Nepal
<i>MAKALU AIR</i>	057A/2009	Unknown	Republic of Nepal
<i>MANANG AIR PVT LTD</i>	082/2014	Unknown	Republic of Nepal
<i>MOUNTAIN HELICOPTERS</i>	055/2009	Unknown	Republic of Nepal
<i>MUKTINATH AIRLINES</i>	081/2013	Unknown	Republic of Nepal
<i>NEPAL AIRLINES CORPORATION</i>	003/2000	RNA	Republic of Nepal
<i>SAURYA AIRLINES</i>	083/2014	Unknown	Republic of Nepal
<i>SHREE AIRLINES</i>	030/2002	SHA	Republic of Nepal
<i>SIMRIK AIR</i>	034/2000	Unknown	Republic of Nepal

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<i>SIMRIK AIRLINES</i>	052/2009	RMK	Republic of Nepal
<i>SITA AIR</i>	033/2000	Unknown	Republic of Nepal
<i>TARA AIR</i>	053/2009	Unknown	Republic of Nepal
<i>YETI AIRLINES DOMESTIC</i>	037/2004	NYT	Republic of Nepal
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Sao Tome and Principe, including</b>			<b>Sao Tome and Principe</b>
<i>AFRICA'S CONNECTION</i>	10/AOC/2008	ACH	Sao Tome and Principe
<i>STP AIRWAYS</i>	03/AOC/2006	STP	Sao Tome and Principe
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Sierra Leone, including</b>			<b>Sierra Leone</b>
<i>AIR RUM, LTD</i>	Unknown	RUM	Sierra Leone
<i>DESTINY AIR SERVICES, LTD</i>	Unknown	DTY	Sierra Leone
<i>HEAVYLIFT CARGO</i>	Unknown	Unknown	Sierra Leone
<i>ORANGE AIR SIERRA LEONE LTD</i>	Unknown	ORJ	Sierra Leone
<i>PARAMOUNT AIRLINES, LTD</i>	Unknown	PRR	Sierra Leone
<i>SEVEN FOUR EIGHT AIR SERVICES LTD</i>	Unknown	SVT	Sierra Leone
<i>TEEBAH AIRWAYS</i>	Unknown	Unknown	Sierra Leone
<b>All air carriers certified by the authorities with responsibility for regulatory oversight of Sudan, including</b>			<b>Republic of Sudan</b>
<i>ALFA AIRLINES SD</i>	54	AAJ	Republic of the Sudan

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<i>BADR AIRLINES</i>	35	BDR	Republic of the Sudan
<i>BLUE BIRD AVIATION</i>	11	BLB	Republic of the Sudan
<i>ELDINDER AVIATION</i>	8	DND	Republic of the Sudan
<i>GREEN FLAG AVIATION</i>	17	Unknown	Republic of the Sudan
<i>HELEJETIC AIR</i>	57	HJT	Republic of the Sudan
<i>KATA AIR TRANSPORT</i>	9	KTV	Republic of the Sudan
<i>KUSH AVIATION CO.</i>	60	KUH	Republic of the Sudan
<i>NOVA AIRWAYS</i>	46	NOV	Republic of the Sudan
<i>SUDAN AIRWAYS CO.</i>	1	SUD	Republic of the Sudan
<i>SUN AIR</i>	51	SNR	Republic of the Sudan
<i>TARCO AIR</i>	56	TRQ	Republic of the Sudan

## ANNEX II

Annex B to Regulation (EC) No 474/2006 is replaced by the following:

## ANNEX B

### LIST OF AIR CARRIERS WHICH ARE SUBJECT TO OPERATIONAL RESTRICTIONS WITHIN THE UNION<sup>(10)</sup>

Name of the legal entity of the air carrier as indicated on its AOC (and its trading	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
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name, if different)						
<i>AIR SERVICE COMORES</i>	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
<i>IRAN AIR</i>	FS100	IRA	Islamic Republic of 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	Islamic Republic of Iran
<i>AIR KORYO</i>	GAC-AOC/ KOR-01	KOR	Democratic People's Republic of Korea	All fleet with the exception of: 2 aircraft of type TU-204.	All fleet with the exception of: P-632, P-633.	Democratic People's Republic of Korea

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- (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.](#))
- (5) Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down the 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 Regulation (EC) No 715/2008 of 24 July 2008 amending Regulation (EC) No 474/2006 as regards the list of air carriers which are subject to an operating ban within the Community ([OJ L 197, 25.7.2008, p. 36.](#))
- (7) Commission Implementing Regulation (EU) 2018/871 of 14 June 2018 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 152, 15.6.2018, p. 5.](#))
- (8) Commission Implementing Regulation (EU) 2019/618 of 15 April 2019 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 106, 17.4.2019, p. 1.](#))
- (9) 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.
- (10) 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.

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