



2023/2691

30.11.2023

COMMISSION IMPLEMENTING REGULATION (EU) 2023/2691

of 29 November 2023

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/CE ⁽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 consultations, within the framework of Regulation (EC) No 2111/2005 and Commission Delegated Regulation (EU) 2023/660 ⁽³⁾, with the competent authorities and air carriers of Armenia, Egypt, Iraq, Kazakhstan, Kenya, Nepal, and Pakistan. The Commission also informed the EU Air Safety Committee about the aviation safety situation in Congo (Brazzaville), Libya, South Sudan, and Suriname.

⁽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 Delegated Regulation (EU) 2023/660 of 2 December 2022 laying down detailed rules for the list of air carriers banned from operating or subject to operational restrictions within the Union referred to in Chapter II of Regulation (EC) No 2111/2005 of the European Parliament and of the Council and repealing Regulation (EC) No 473/2006 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 83, 22.3.2023, p. 47).

- (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⁾.
- (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 assure 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.

Air carriers from Armenia

- (10) 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⁾.
- (11) As part of the continuous monitoring activities the Commission identified that the air carrier *Aircompany Armenia* has been rebranded and its new commercial name is *AIR DILIJANS*.
- (12) 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 Armenia, the list of air carriers, which are subject to an operating ban within the Union, should be amended to include *AIR DILIJANS* in Annex A to Regulation (EC) No 474/2006, and to remove *Aircompany Armenia* from that Annex.
- (13) 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 Egypt

- (14) Air carriers certified in Egypt have never been included in Annex A or B to Regulation (EC) No 474/2006.

⁽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 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).

- (15) As part of the continuous monitoring of TCO authorisations, issued pursuant to Regulation (EU) No 452/2014, and as a result of the analysis of ramp inspections carried out under the SAFA programme in accordance with Regulation (EU) No 965/2012, air carriers certified by Egypt have shown a growing number of safety concerns. Significant findings for a number of Egyptian TCO authorised air carriers have been noted. In addition, the TCO authorisation of *Almasria Universal Airlines* has been suspended on safety grounds for a second time in a two-year timeframe.
- (16) On 21 June 2023, the Commission addressed a letter to the Egyptian Civil Aviation Authority ('ECAA') expressing its concerns regarding the safety performance of air carriers certified by the ECAA, and requested a set of documents describing the organisation and illustrating its oversight capacities and associated activities.
- (17) On 13 July 2023 the ECAA provided a first set of information and documentation about their organisation, staffing, inspectors' training, procedures, manuals, as well as an overview of the audits performed and planned, and occurrence reporting, for the period 2020-2023.
- (18) Assessment of the documents, done with the assistance of the Agency experts, revealed that the ECAA did not provide all the requested information on the number of staff and personnel qualification requirements, inspector training requirements, and actual training performed. Therefore, the Commission addressed a second letter to the ECAA on 5 October 2023 for the missing documents and information, which was subsequently received on 13 November 2023, and is currently being reviewed and analysed. The Commission will organise a technical meeting with the ECAA in the first quarter of 2024.
- (19) 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 certified in Egypt.
- (20) Member States should continue verifying the effective compliance of air carriers certified in Egypt with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.
- (21) Where any pertinent 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 Iraq

- (22) 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⁾.
- (23) *Fly Baghdad* applied for a TCO authorisation on 10 February 2022. The Agency assessed *Fly Baghdad's* TCO application in accordance with the requirements as set out in Regulation (EU) No 452/2014.
- (24) The Agency, in conducting its assessment, raised concerns regarding the lack of ability by *Fly Baghdad* to respond to identified safety concerns. Notably, it determined that *Fly Baghdad* did not control and ensure that the planned and accomplished flight times, flight duty periods, duty periods and rest periods are within the limitations pursuant to the prescriptive fatigue management regulations established by Iraq.

⁽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).

- (25) *Fly Baghdad's* inability to address these safety concerns was evidenced by submission of an unacceptable Corrective Action Plan ('CAP') to deal with the identified safety concerns. As such, *Fly Baghdad* did not demonstrate compliance with applicable international safety standards associated with the identified safety concerns. The Agency therefore concluded that further assessment would not result in the issue of an authorisation to *Fly Baghdad*, and that therefore it did not meet the applicable requirements of Regulation (EU) No 452/2014. Consequently, on 22 December 2022, the Agency rejected, on safety grounds, the TCO application of *Fly Baghdad*.
- (26) On 11 February 2023, *Fly Baghdad*, in accordance with Article 109 of Regulation (EU) 2018/1139 of the European Parliament and of the Council ⁽⁸⁾, lodged an appeal contesting the Agency's decision of 22 December 2022 refusing *Fly Baghdad's* application for a TCO authorisation. The decision of 7 September 2023 of the EASA Board of Appeal, established pursuant to Article 105 of Regulation (EU) 2018/1139, rejected *Fly Baghdad's* appeal as unfounded, thus confirming the validity of the Agency's decision of 22 December 2022.
- (27) On 20 April 2023, as part of the Commission's ongoing monitoring activities, a technical meeting took place involving the Commission, the Agency, Member States, and the Iraq Civil Aviation Authority ('ICAA'). During that meeting, the Commission conveyed to the ICAA that, based on the negative decision made by the Agency regarding *Fly Baghdad's* application for a TCO Authorisation, the air carrier would undergo further review by the EU Air Safety Committee.
- (28) On 2 October 2023 the Commission wrote to the ICAA and *Fly Baghdad*, to inform both parties that the case of *Fly Baghdad* had been placed on the agenda of the 14 to 16 November 2023 meeting of the EU Air Safety Committee, and that both the ICAA and *Fly Baghdad* would be given the opportunity of being heard before the EU Air Safety Committee in accordance with Regulation (EC) No 2111/2005.
- (29) The ICAA and *Fly Baghdad* were heard by the EU Air Safety Committee on 15 November 2023. Amongst other elements, the ICAA reported that it has oversight responsibility for seven AOC holders, including *Fly Baghdad*, as regards ensuring the application and implementation of international safety standards and Iraq Civil Aviation Regulations, in compliance with ICAO Convention obligations.
- (30) The ICAA also provided an overview of its surveillance policy and activities, highlighting relevant audits planned and conducted for *Fly Baghdad* in 2023. Furthermore, the ICAA provided a summary of planned actions aimed at strengthening its oversight capabilities, notably by means of availing itself of services of experts in the fields of flight operations, airworthiness, and personnel licensing. With specific regard to the safety concerns identified by the Agency as part of its TCO authorisation process, the ICAA provided an overview of how it has investigated and is ensuring relevant follow up, with *Fly Baghdad*, to implement the appropriate corrective actions.
- (31) *Fly Baghdad's* presentation to the EU Air Safety Committee focussed on the actions taken by it to address the safety concerns identified by the Agency as part of its TCO authorisation process. The detailed overview included information pertaining to its root cause analysis and the consequential actions taken in terms of the organisation, procedures, training, and compliance. While expressing *Fly Baghdad's* commitment to continuous safety improvement, the presentation addressing the individual safety concerns, did not provide sufficient evidence of the detailed functioning of *Fly Baghdad's* safety and quality management system.
- (32) The information provided by *Fly Baghdad* was not sufficient in nature to fully address the safety concerns from which the decision by the Agency to refuse the TCO authorisation of *Fly Baghdad* emanated. The CAP provided by *Fly Baghdad*, notably the associated root cause analysis, did not demonstrate the air carrier's ability to implement appropriate measures to assure compliance with international safety standards.

⁽⁸⁾ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

- (33) In accordance with the common criteria set out in the Annex to Regulation (EC) No 2111/2005, it is therefore assessed that the list of air carriers which are subject to an operating ban within the Union should be amended to include the air carrier *Fly Baghdad* in Annex A to Regulation (EC) No 474/2006. Furthermore, the Commission intends to carry out, with the assistance of the Agency and the support of Member States, a Union on-site assessment visit to Iraq to verify whether certification and oversight of air carriers by the ICAA is conducted in compliance with the relevant international safety standards. This Union on-site assessment visit will focus on the ICAA and selected air carriers certified in Iraq.
- (34) 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.
- (35) 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

- (36) 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 ^(*), with the exception of *Air Astana*, which had been removed from Annex B to Regulation (EC) No 474/2006 already in 2015 by Implementing Regulation (EU) 2015/2322.
- (37) On 13 October 2023, as part of its continuous monitoring activities, the Commission, the Agency, Member States and representatives of the Civil Aviation Committee of Kazakhstan ('CAC KZ') and the Aviation Administration of Kazakhstan Joint Stock Company ('AAK') held a technical meeting.
- (38) During the meeting, CAC KZ and AAK reported on the progress made in executing and improving their CAP. On 19 October 2023, and again on 7 November 2023, AAK provided the Commission with information to substantiate their claim that they have addressed all observations and recommendations. According to their statement, thirty-five of these issues are now considered fully resolved, three partially resolved, and one remains outstanding due to its long-term implementation process.
- (39) AAK introduced its new organisational structure, aligned with ICAO requirements, and reported on the progress made in its transition towards becoming a self-financing organisation by means of a new financing scheme established as of July 2023.
- (40) In terms of the Kazakh aviation legislative framework, AAK and CAC KZ noted the revision of the Primary Aviation Law, which was formally enacted in December 2022. Subsequent to the enactment of this law, AAK proceeded to revise forty four secondary aviation regulations throughout 2023. At the time of the meeting, they were actively engaged in the revision of an additional thirteen secondary regulations, which, according to their statements, are expected to be updated before the end of 2023. Furthermore, from the start of 2023 up to the date of the meeting, AAK has approved a number of both new and updated procedures and guidance materials, with twelve having received full approval and more than fifteen in their final draft stages. However, it's still unclear whether the secondary regulations have only integrated the recent amendments to the Primary Aviation Law, or if they have also been updated to align with the latest amendments to the ICAO Annexes.
- (41) While various matters and concerns were deliberated during the technical meeting, it was agreed that a Union on-site assessment visit would be appropriate in order to verify the effective implementation of the indicated changes. Agreement was reached that such a visit should take place in the first quarter of 2024.

^(*) 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).

- (42) 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.
- (43) 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.
- (44) 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 Kenya

- (45) Air carriers certified in Kenya have never been included in Annex A or B to Regulation (EC) No 474/2006.
- (46) A number of accidents and incidents occurred in June and July 2022, involving aircraft registered in Kenya operating flights into airports in South Sudan. The circumstances surrounding these accidents and incidents prompted the Commission to address a letter, on 20 September 2022, to the Civil Aviation Authority of Kenya ('KCAA') requesting information about the status of these aircraft in the Aircraft Registry of Kenya, their air carriers and/or lessors, as well as the outcome of any preliminary reports from the accident investigations.
- (47) As a follow up to this correspondence, the Commission organised a call with the Director-General of the KCAA and his services on 31 May 2023 to discuss and clarify the nature of the request.
- (48) On 21 June 2023 the Commission addressed a letter to the KCAA and requested a set of documents describing the organisation and illustrating its oversight capacities and associated activities with regards to air carriers it has certified. As part of this request, the Commission specifically requested information about effective oversight of its air carriers and aircraft operating outside of Kenya, notably as regards the two companies whose aircraft were involved in the June and July 2022 accidents and incidents.
- (49) On 18 July 2023 the KCAA provided a first set of information and documentation about their organisation, staffing, inspectors' training, procedures, manuals, as well as audits performed and planned, and occurrence reporting, for the period 2020-2023.
- (50) Detailed examination of the information and documents received, done with the assistance of the Agency experts, has revealed that certain areas need additional documents and further clarification on behalf of the KCAA to allow a clear understanding. Therefore, the Commission addressed a follow up letter on 5 October 2023 requesting the missing documents and information.
- (51) 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 certified in Kenya.
- (52) Member States should continue verifying the effective compliance of air carriers certified in Kenya with the relevant international safety standards through prioritisation of ramp inspections of those air carriers, pursuant to Regulation (EU) No 965/2012.
- (53) Where any pertinent 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 Nepal

- (54) In December 2013, air carriers certified in Nepal were included in Annex A to Regulation (EC) No 474/2006 by Commission Implementing Regulation (EU) No 1264/2013 ⁽¹⁰⁾.
- (55) As a follow up to the EU Air Safety Committee deliberations in May 2022, experts from the Commission, the Agency and Member States conducted a Union on-site assessment visit in Nepal between 11 and 15 September 2023 at the Civil Aviation Authority of Nepal ('CAAN'), including a sample assessment of two air carriers certified in Nepal, namely *Shree Airlines* and *Nepal Airlines*.
- (56) The assessment visit focused its activities on CAAN in view of its role and responsibility for the oversight activities of the air carriers certified in Nepal. The assessment revealed discrepancies between the approved organisational structure and the actual distribution of sections, departments, and personnel. This inconsistency highlights the need for a comprehensive revision of the organisational structure to more accurately reflect current activities and staff allocation. Such a revision is critical to ensure a robust and effective safety oversight system that aligns with both national and international obligations, ultimately enhancing the operational efficiency and safety standards of air carriers in Nepal.
- (57) CAAN's current practices in Personnel Licensing requirements and flight examiner systems show non-compliance with international safety standards, necessitating an urgent alignment of its regulations with such standards, especially as regards examiner designations in the area of flight crew licensing. Notably the absence of a robust framework for the designation and monitoring of flight examiners and instructors in the context of helicopter operations, underscores the need for CAAN to establish clear criteria, privileges, and effective surveillance mechanisms for Designated Check Pilots and examiners. Implementing these measures will significantly enhance the safety and competency standards across the aviation sector in Nepal, ensuring a more consistent and reliable oversight of aviation professionals.
- (58) Moreover, the assessments have identified a gap in the effective monitoring and documentation of training for CAAN's Personnel Licensing Inspector and assistant inspector roles.
- (59) The assessment also noted significant gaps in CAAN's Flight Operations Division of, notably as regards overseeing fatigue related to duty period limitations and ensuring comprehensive compliance checks during the approval process. These failures indicate an urgent need for CAAN to implement robust fatigue management protocols and strengthen their technical evaluation and approval processes. Additionally, the lack of specific training and qualifications among inspectors, particularly concerning type ratings for aircraft operated by air carriers, raises concerns about the effectiveness of CAAN's certification and surveillance activities.
- (60) The assessment furthermore identified a systemic issue in the Flight Operations Division's approach to reviewing, evaluating, and validating air carriers' flight safety documentation and specific approvals. The observed discrepancies, such as non-compliances in Traffic Collision Avoidance System ('TCAS') requirements, fuel calculations, and oversight of flight time limitations, significantly impact flight safety.
- (61) The Airworthiness Inspection Division exhibits a lack of maturity in critical aspects such as audit control, training programme completeness, and document review diligence. CAAN has to address these issues by enhancing the training programme and adopting a more rigorous audit approach, and should endeavour to transition to more efficient digital record-keeping systems.
- (62) Despite the identified areas for improvement, the discussions with CAAN staff indicate a strong commitment to enhancing Nepal's aviation safety oversight system. It is crucial for CAAN to continue fostering this commitment, ensuring alignment with international safety standards, and effectively addressing the operational and safety challenges identified during the assessment.

⁽¹⁰⁾ Commission Implementing Regulation (EU) No 1264/2013 of 3 December 2013 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 326, 6.12.2013, p. 7).

- (63) *Shree Airlines*, established in 1999, was subject to a dedicated visit by the Union assessment team on 13 September 2023.
- (64) *Shree Airlines* should significantly enhance its Safety Management System ('SMS') and operational policies to align with international safety standards and Nepalese legislation. This includes revising the Safety Management Manual ('SMM'), audit checklists, and addressing deficiencies in its maintenance documentation and procedures, such as inaccuracies in work orders and equipment calibration.
- (65) Operational and safety compliance issues at *Shree Airlines* extend to aspects of flight planning, crew fatigue management, and adherence to regulatory requirements in de-icing procedures, TCAS requirements, and the Minimum Equipment List for specific aircraft types.
- (66) Furthermore, the observed deficiencies in managing the validity and quality of training certificates, coupled with unclear or incorrect instructor feedback, point to a need for a more robust system to monitor and improve crew competencies and training efficacy.
- (67) *Nepal Airlines*, established in 1958, was subject to a dedicated visit by the Union assessment team on 14 September 2023.
- (68) The assessment of *Nepal Airlines* highlighted deficiencies in its SMS and operational compliance. Issues include inadequate hazard identification and management, repetitive findings in annual audits, and insufficiently detailed quality audit checklists. Additionally, there are concerns about the effectiveness of the Quality Assurance department, the lack of a comprehensive hazard log in Continuing Airworthiness Management Organisation and Approved Maintenance Organisation, and shortcomings in manpower analysis.
- (69) The visit showed *Nepal Airlines'* challenges in maintaining operational oversight, with evident issues across various areas including training competencies, flight time limitations, document management, and compliance monitoring.
- (70) The observations raised during the assessment visit suggest that *Nepal Airlines* requires a substantial overhaul of its systems and processes to achieve the necessary maturity in its SMS and ensure a robust understanding and management of its airworthiness approvals and operational oversight.
- (71) On the basis of the outcome of the Union on-site assessment visit, the Commission invited CAAN and the air carriers *Shree Airlines* and *Nepal Airlines* to a hearing before the EU Air Safety Committee on 15 November 2023.
- (72) The CAAN presented a summary to the EU Air Safety Committee that included an overview of air carriers certified in Nepal, the number of aircraft registered in Nepal, the latest outcomes from the ICAO USOAP Continuous Monitoring Approach (CMA) audit, and Nepal's progress in improving its ICAO USOAP implementation scores.
- (73) Regarding the EU's assessment report, CAAN detailed actions taken immediately following the Union on-site assessment visit. This included organisational restructuring and developing an Integrated Management Manual. Key actions highlighted were the inclusion of a compliance monitoring function in the audit department and initiating the drafting of a Quality Management System Manual.
- (74) The EU Air Safety Committee was informed about CAAN's CAP to address issues noted during the Union on-site assessment visit. CAAN has performed root cause analysis for each observation, with immediate and long-term corrective actions. However, it was unclear if the in-depth root cause analysis principles were consistently applied.
- (75) The Commission and the EU Air Safety Committee recognised and encouraged CAAN's efforts, noting the importance of the Nepalese government's continued support. They reiterated their commitment to continuing to support CAAN with its efforts to improve its safety oversight capabilities, noting the Director General's dedication for such further developments of the CAAN.

- (76) Despite these efforts, it is deemed that CAAN's ability to enforce international safety standards and ensure compliant operations by its certified air carriers is insufficient. The evidence, including observations from the Union on-site assessment visit, suggests that CAAN capabilities to oversee the aviation activities in Nepal are not complying with the applicable minimum international safety standards. This evidenced the need for further improvements in CAAN's oversight capabilities, personnel management, staff training and certification processes.
- (77) *Shree Airlines* presented a comprehensive overview, detailing their current fleet, resources, and facilities. They also shared the corrective actions implemented following the observations from the Union on-site assessment visit. This included the outcomes of the root cause analysis for each observation raised by the Union assessment team. Additionally, *Shree Airlines* outlined their CAP developed from these analyses, specifying both short- and long-term plans.
- (78) The information provided by *Shree Airlines* fell short of fully addressing the safety concerns highlighted during the Union on-site assessment visit. The CAP provided by *Shree Airlines*, notably the associated root cause analysis, did not demonstrate the air carrier's ability to implement appropriate measures to assure compliance with international safety standards.
- (79) *Nepal Airlines* delivered an in-depth presentation showcasing their history as Nepal's national flag carrier, along with their fleet and resource capabilities. The presentation comprehensively covered the actions they have undertaken in response to the Union on-site assessment visit observations. The air carrier detailed the outcomes of root cause analysis conducted for each observation and recommendation made by the Union assessment team. Moreover, the air carrier presented their CAP.
- (80) Despite these efforts, the information conveyed by *Nepal Airlines*, while extensive, did not meet the requirements needed to fully resolve the safety issues stemming from the Union on-site assessment visit. The CAP provided by *Nepal Airlines*, notably the associated root cause analysis, did not demonstrate the air carrier's ability to implement appropriate measures to assure compliance with international safety standards.
- (81) 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 certified in Nepal.
- (82) Member States should continue verifying the effective compliance of air carriers certified in Nepal 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 Pakistan

- (83) In March 2007, *Pakistan International Airlines* was included in Annex B to Regulation (EC) No 474/2006 by Commission Regulation (EC) No 235/2007 ⁽¹¹⁾, and subsequently removed from that Annex in November 2007 by Commission Regulation (EC) No 1400/2007 ⁽¹²⁾.
- (84) On 1 July 2020, the Commission opened consultations with the Pakistan Civil Aviation Authority ('PCAA') pursuant to Article 3(2) of Commission Regulation (EC) No 473/2006 ⁽¹³⁾, on the basis of the TCO authorisation suspensions of *Pakistan International Airlines* and *Vision Air*, and a statement made by the Pakistan Transport Minister about fraudulently obtained pilot licenses in Pakistan.

⁽¹¹⁾ 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).

⁽¹²⁾ 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).

⁽¹³⁾ 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).

- (85) In that context, the Commission, in cooperation with the Agency and Member States, has organised a number of technical and information meetings with the PCAA. Those discussions focused on efforts made by the PCAA in dealing with safety oversight concerns identified by the Commission and the Agency experts, as well as those identified by ICAO during its USOAP visit that took place between 29 November and 10 December 2021.
- (86) On 23 August 2023, the Commission, the Agency, Member States and representatives of the PCAA held another technical meeting, the purpose of which was for the PCAA to inform about and demonstrate developments that have taken place since the last technical meeting of 25 October 2022. Of particular interest was information pertaining to the adoption of the Civil Aviation Authority Ordinance (2023), the status of the ICAO USOAP CAP, and actions to address the EU concerns expressed in previous exchanges.
- (87) On this basis, and reflecting the November 2022 views of the EU Air Safety Committee, the Commission informed the PCAA that it will carry out, with the Agency and Member States, a Union on-site assessment visit to Pakistan between 27-30 November 2023 to assess the situation of PCAA in terms of conducting effective safety oversight.
- (88) 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 certified in Pakistan.
- (89) 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.
- (90) Where any relevant safety information reveals imminent safety risks resulting from non-compliance with the relevant international safety standards, further action by the Commission can become necessary, in accordance with Regulation (EC) No 2111/2005.
- (91) Regulation (EC) No 474/2006 should therefore be amended accordingly.
- (92) 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.
- (93) The measures provided for in this Regulation are in accordance with the opinion of the EU Air Safety Committee established pursuant to 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, 29 November 2023.

*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
AIR ZIMBABWE (PVT)	177/04	AZW	Zimbabwe
AVIOR AIRLINES	ROI-RNR-011	ROI	Venezuela
BLUE WING AIRLINES	SRBWA-01/2002	BWI	Suriname
IRAN ASEMAN AIRLINES	FS-102	IRC	Iran
FLY BAGHDAD	007	FBA	Iraq
IRAQI AIRWAYS	001	IAW	Iraq
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
AIR DILIJANS	AM AOC 065	NGT	Armenia
ARMENIAN AIRLINES	AM AOC 076	AAG	Armenia

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

Name of the legal entity of the air carrier as indicated on its AOC (and its trading name, if different)	Air Operator Certificate ("AOC") Number or Operating Licence Number	ICAO three letter designator	State of the Operator
ARMENIA AIRWAYS	AM AOC 063	AMW	Armenia
ARMENIAN HELICOPTERS	AM AOC 067	KAV	Armenia
FLY ARNA	AM AOC 075	ACY	Armenia
FLYONE ARMENIA	AM AOC 074	FIE	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 the Congo (DRC), including			Democratic Republic of the Congo (DRC)
AB BUSINESS	AAC/DG/OPS-09/14	Unknown	Democratic Republic of the Congo (DRC)
AIR FAST CONGO	AAC/DG/OPS-09/03	Unknown	Democratic Republic of the Congo (DRC)
AIR KASAI	AAC/DG/OPS-09/11	Unknown	Democratic Republic of the Congo (DRC)
AIR KATANGA	AAC/DG/OPS-09/08	Unknown	Democratic Republic of the Congo (DRC)

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
BUSY BEE CONGO	AAC/DG/OPS-09/04	Unknown	Democratic Republic of the Congo (DRC)
COMPAGNIE AFRICAINE D'AVIATION (CAA)	AAC/DG/OPS-09/02	DBP	Democratic Republic of the Congo (DRC)
CONGO AIRWAYS	AAC/DG/OPS-09/01	COG	Democratic Republic of the Congo (DRC)
GOMA EXPRESS	AAC/DG/OPS-09/13	Unknown	Democratic Republic of the Congo (DRC)
KIN AVIA	AAC/DG/OPS-09/10	Unknown	Democratic Republic of the Congo (DRC)
MALU AVIATION	AAC/DG/OPS-09/05	Unknown	Democratic Republic of the Congo (DRC)
SERVE AIR CARGO	AAC/DG/OPS-09/07	Unknown	Democratic Republic of the Congo (DRC)
SWALA AVIATION	AAC/DG/OPS-09/06	Unknown	Democratic Republic of the Congo (DRC)
TRACEP CONGO AVIATION	AAC/DG/OPS-09/15	Unknown	Democratic Republic of the Congo (DRC)
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

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
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
AERO NOMAD AIRLINES	57	ANK	Kyrgyzstan
AEROSTAN	08	BSC	Kyrgyzstan
AIR COMPANY AIR KG	50	KGC	Kyrgyzstan
AIRCOMPANY MOALEM AVIATION	56	AMA	Kyrgyzstan
AVIA TRAFFIC COMPANY	23	AVJ	Kyrgyzstan
CENTRAL ASIAN AVIATION SERVICES	58	KAS	Kyrgyzstan
FLYSKY AIRLINES	53	FSQ	Kyrgyzstan
GLOBAL 8 AIRLINES	59	Unknown	Kyrgyzstan
HELI SKY	47	HAC	Kyrgyzstan
KAP.KG AIRCOMPANY	52	KGS	Kyrgyzstan
MAC.KG AIRLINES	61	MSK	Kyrgyzstan
SAPSAN AIRLINE	54	KGB	Kyrgyzstan
SKY JET	60	SJL	Kyrgyzstan
SKY KG AIRLINES	41	KGK	Kyrgyzstan
TRANS CARAVAN KG	55	TCK	Kyrgyzstan
TEZ JET	46	TEZ	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

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
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

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
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

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
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 São Tomé and Príncipe, including			São Tomé and Príncipe
AFRICA'S CONNECTION	10/AOC/2008	ACH	São Tomé and Príncipe
STP AIRWAYS	03/AOC/2006	STP	São Tomé and Príncipe
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	IR.AOC.100	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 this Annex may 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.