

ROADMAP			
TITLE OF THE INITIATIVE	Commission Implementing Regulation amending Regulation (EC) No 474/2006 establishing the Community list of air carriers which are subject to an operating ban within the Community		
LEAD DG – RESPONSIBLE UNIT	MOVE E.3	DATE OF ROADMAP	08/ 2015
This indicative roadmap is provided for information purposes only and is subject to change. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content and structure.			

PRELIMINARY ROADMAP FOR UPDATE AND COMPLETION ONCE THE FINAL RM TEMPLATE HAS BEEN SETTLED FOR 'INTERNATIONAL AGREEMENTS'

A. Context and problem definition

<p>(1) What is the political context of the initiative?</p> <p>(2) How does it relate to past and possible future initiatives, and to other EU policies?</p> <p>(3) What ex-post analysis of existing policy has been carried out? What results are relevant for this initiative?</p>
<p>(1) The Air Safety List contains the air carriers that are banned from flying to the Union. It is a well-established implementing regulation regularly updated and adopted pursuant to Regulation (EC) No 2111/2005 of the European Parliament and the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community.</p> <p>The decision to impose either a complete or a partial operating ban within the European Union for failure to adhere to the applicable international safety standards are based solely on technical and safety related grounds and is taken on the basis of the advice of the EU Air Safety Committee.</p> <p>(2) At least twice a year this list is updated following a meeting of the EU Air Safety Committee. In addition, this initiative is fully in line with the EU Aviation Safety Policy. The globalisation of the market and the fast air traffic growth made it necessary to develop safety tools to protect air passenger. The Air Safety List is one of these instruments.</p> <p>(3) On 11 January 2010 a report from the Commission to the Council and the European Parliament was published (COM(2009) 710 final). This report on the application of Regulation (EC) No 2111/2005 regarding the establishment of a Community list of air carriers subject to an operating ban concluded: "The creation and evolution of the EC list over the past three years can be described as a success story from every angle. It is now regarded internationally as an effective tool in ensuring a high level of safety to the benefit of the travelling public by the enforcement of the relevant air safety standards." In addition, it is to be noted that the banning of air carriers of a specific country or the lifting of such ban can raise political and/or economic issues in the countries concerned. However, when an operating ban has been imposed on an air carrier or where an air carrier appears unsafe regular EU assessment visits are made in order to assist in remedying the deficiencies that gave rise to concerns or to a ban.</p>
What are the main problems which this initiative will address?
This initiative aims at improving aviation safety for air transport passengers using third country air carriers on the EU aviation market and throughout the world.
Who will be affected by it?
This initiative will affect Member States, third countries and third country aviation stakeholders, EU citizens and consumers, other stakeholders such as travel agencies.
Is EU action justified on grounds of subsidiarity? Why can Member States not achieve the objectives of the proposed action sufficiently by themselves? Can the EU achieve the objectives better?
Yes, the EU action is justified on grounds of subsidiarity. In relation with third countries, the EU as a whole has a much greater overview of the situation in third countries. It should also be stressed that the EU is working in close cooperation with Member States and that EU assessment visits are conducted with experts of the Member States.

B. Objectives of the initiative

What are the main policy objectives?
The aim of this Implementing Regulation is to ensure the safety of air transport passengers using third country air operators by banning unsafe air carriers, totally or partially, from operating within the EU and by informing air transport passengers of the identity of the operating air carrier subject to an operating ban within the EU.
Do the objectives imply developing EU policy in new areas?
No

C. Options

(1) What are the policy options (including exemptions/adapted regimes e.g. for SMEs) being considered? (2) What legislative or 'soft law' instruments could be considered? (3) How do the options respect the proportionality principle?
(1) Imposing a partial or a total ban on air carriers that are considered to be unsafe by not fulfilling international safety standards. (2) Implementing Regulation adopted pursuant to Regulation (EC) No 2111/2005 of the European Parliament and the Council of 14 December 2005 on the establishment of a Community list of air carriers subject to an operating ban within the Community. (3) The decision to ban totally or partially is taken after: <ul style="list-style-type: none"> - a technical hearing of the National Civil authorities and air carriers of the third Country under "scrutiny"; - an EU technical assessment visit to determine what are the weaknesses of the air carrier and if possible the EU expert will provide with immediate remedies. Where weaknesses are too important and immediate remedies to overcome the flaws, a ban will be considered; - a decision is taken on the basis of technical objective and independent assessment by the Air Safety Committee <p>As a result, it is only after a long process and when no other solution can be found that a ban may be decided.</p>

D. Initial assessment of impacts

What are the benefits and costs of each of the policy options?
<ul style="list-style-type: none"> - The regular updates of the Air Safety List ensure that unsafe airlines cannot operate to the Union, and that passengers worldwide, including EU citizens when travelling outside of Europe, are informed of the fact that certain airlines operating outside of Europe are not deemed sufficiently safe. - The inclusion on the Air Safety List of an airline, or all of the airlines from a given country, can have an important negative effect on that airline or on the economy of that country. However, the costs to the third countries or third country air carriers that are put on the Air Safety List are estimated to be well below the human and economic costs of air accidents.
Could any or all of the options have significant impacts on (i) simplification, (ii) administrative burden and (iii) on relations with other countries, (iv) implementation arrangements? And (v) could any be difficult to transpose for certain Member States?
See A (4 th question on subsidiarity) and D (1 st question). This policy is not to be transposed into the law of the Member States.
(1) Will an IA be carried out for this initiative and/or possible follow-up initiatives? (2) When will the IA work start? (3) When will you set up the IA Steering Group and how often will it meet? (4) What DGs will be invited?
No IA will be carried out since this is a regular update of the Air Safety List and that it not a new policy initiative.
(1) Is any option likely to have impacts on the EU budget above €5m? (2) If so, will this IA serve also as an ex-ante evaluation, as required by the Financial Regulation? If not, provide information about the timing of the ex-ante evaluation.
N/A

E. Evidence base, planning of further work and consultation

- (1) What information and data are already available? Will existing IA and evaluation work be used?
- (2) What further information needs to be gathered, how will this be done (e.g. internally or by an external contractor), and by when?
- (3) What is the timing for the procurement process & the contract for any external contracts that you are planning (e.g. for analytical studies, information gathering, etc.)?
- (4) Is any particular communication or information activity foreseen? If so, what, and by when?

(1) N/A

(2) Regular information is being provided by Member States, EASA, Third countries and international organisations. Information is also being gathered internally during EU assessment missions.

(3) N/A

(4) No

Which stakeholders & experts have been or will be consulted, how, and at what stage?

Member States, EASA, Third countries and international organisations are regularly consulted by the European Commission.