



**COUNCIL OF
THE EUROPEAN UNION**



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The Council approves the creation of a common blacklist of unsafe air carriers

The Council adopted a regulation for the introduction of an EU-wide list of air carriers that do not meet common safety requirements. Air carriers that fail to comply will be subject to an operating ban throughout the EU. The regulation also strengthens passengers rights by informing air passengers of the identity of the air carrier operating the flights on which they travel. (*PE-CONS 3660/05*).

The Council could entirely agree to the amendments voted by the European Parliament on 16 November, since these amendments had been negotiated in advance between the Council, the European Parliament and the Commission. The Council could therefore adopt the Regulation less than 6 months after the month of August, in which some tragic air crashes had taken place and as a result of which swift action at European level had been called for.

The common blacklist will be established as follows:

P R E S S

In order to establish the Community list for the first time, each Member State will by one month after the date of its entry into force communicate to the Commission the identity of the air carriers that are subject to an operating ban in its territory. The Commission will within one month of receiving the information decide, on the basis of common criteria, on the imposition of an operating ban on the air carriers concerned and will establish the list.

Air carriers are included on the list if there is verified evidence of serious safety deficiencies, if there is a lack of ability and/or willingness to address safety deficiencies or if there is a lack of ability and/or willingness of the authorities responsible for the oversight of an air carrier to address safety deficiencies, to enforce the relevant safety standards or to oversee the aircraft.

At least every three months, the Commission will verify whether it is appropriate to update the Community list, either to include a new carrier or to remove air carrier if the safety deficiency has been remedied. In order to efficiently update the list, the Member States and the European Aviation Safety Agency should communicate to the Commission all relevant information.

The list and any modification thereto will be published on the internet and in the Official Journal of the EU. Air carriage contractors, national civil aviation authorities, the European Aviation Safety Agency and airports should bring the list to the attention of passengers, both via their websites and, where relevant, in their premises.

The regulation also strengthened information rights of passengers by informing them of the identity of the operating carrier. Passengers will also have a right to compensation and/or to an alternative flight should the carrier be included on the list after the reservation has been made.

The contracting air carrier has to ensure that the passenger is informed of the identity of the operating air carrier when making a reservation. If the identity is not known at the time of reservation, the contracting air carrier must inform passengers of the identity of the operating air carrier as soon as such identity is established. Wherever the operating air carrier is changed after reservation the passenger must be informed at check-in or at the time of boarding at the latest.

The regulation will enter into force 20 days after publication in the Official Journal of the EU, probably beginning of 2006.