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Q&A

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Questions and Answers: European Commission adopts new EU Air Safety List

What is the EU Air Safety List?

The EU Air Safety List (ASL) is a list of air carriers, which do not fulfil international safety standards. The carriers on the ASL are banned from operating to, in and from the EU (including the overflight). Carriers that do not operate to the EU can also be put on the ASL, in order to warn the public travelling outside of the EU about safety concerns. If the safety authorities of a third country are not able to fulfil their international safety oversight obligations, all the carriers of that country can be put on the ASL.

The ASL, has developed into a strong, and internationally recognised tool to help improve the safety of international aviation. This is the case both for flights to the EU, but also for aviation outside of the EU. ASL is also seen as a strong preventive tool, because when under scrutiny, countries tend to improve their safety oversight to avoid seeing their air carriers on the list.

Which carriers are currently on the EU Air Safety List?

After the 45th update of December 2024, 129 air carriers are banned from EU skies:

- 100 airlines certified in 15 states¹, due to a lack of safety oversight by the aviation authorities in these states;
- 22 airlines certified in Russia, as well as 7 individual airlines from other States, based on serious safety deficiencies identified: Air Tanzania (Tanzania), Air Zimbabwe (Zimbabwe), Avior Airlines (Venezuela), Blue Wing Airlines (Suriname), Iran Aseman Airlines (Iran), Fly Baghdad (Iraq) and Iraqi Airways (Iraq).

An additional two airlines are subject to operational restrictions and can only fly to the EU with specific aircraft types: Iran Air (Iran) and Air Koryo (North Korea).

Who is responsible for the updates to the EU Air Safety List?

In updating the list, the European Commission is assisted by the EU Air Safety Committee (ASC), which comprises aviation safety experts from all the EU Member

¹ Afghanistan, Angola (with the exception of 2 airlines), Armenia, Congo (Brazzaville), Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Kyrgyzstan, Liberia, Libya, Nepal, São Tomé and Príncipe, Sierra Leone and Sudan.

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States and is chaired by the European Commission, with support from the European Union Aviation Safety Agency (EASA).

Based on a proposal from the European Commission, the ASC delivers its opinion through a qualified majority vote. The proposed measures are then submitted to the European Parliament and the EU Council for review before being finally adopted by the European Commission and published in the Official Journal. So far, all decisions by the European Commission to impose or lift restrictions have received unanimous support from ASC members and the European Parliament's Transport Committee.

What is the procedure for updates to the EU Air Safety List?

All EU Member States and EASA are obliged to provide the European Commission with any information relevant to the update of the ASL. The European Commission and the ASC use a variety of information sources when assessing whether or not international safety standards are respected. These sources include amongst others the International Civil Aviation Organisation (ICAO), the United States Federal Aviation Administration, EASA, SAFA[2] and TCO[3] reports, as well as information gathered by individual EU Member States and the European Commission itself. It is important to note that this assessment is made against international safety standards (and not the EU safety standards, which are sometimes more stringent), and notably the standards promulgated by the ICAO.

To whom does it apply?

The rules establishing the list of banned carriers apply to all air carriers, irrespective of their nationality – EU and non-EU. These rules only apply to commercial air transport, i.e. to the air transport of passengers and cargo for remuneration or hire. The rules do not apply to private and non-commercial flights (e.g. positioning flights for maintenance purposes).

How often is the list updated and what is the timeframe for this? Is there not a risk that it will quickly become obsolete?

The ASL may be updated whenever the European Commission deems it is necessary, or upon request of an EU Member State. The ASC normally meets two or three times every year, as necessary. For emergencies, a specific procedure is in place.

How can an airline be cleared and taken off the list?

If an airline considers that it should be taken off the list because it complies with the relevant safety standards, it can address a request to the European Commission, either directly or through its civil aviation authority. For the ban to be lifted, the airline must provide sufficient evidence to the EU, proving that both the airline and its oversight authority have the capacity to implement international safety standards. The European Commission services will then assess the evidence presented by the airline and/or its oversight authority. If the assessment is positive, the European Commission will propose the removal to the ASC.

However, if an airline is on the ASL due to poor compliance with ICAO standards by its safety oversight authorities, the State must address these significant non-compliances before the airline can be removed from the list.

In practical terms, this process involves the airline and its State providing written information, attending meetings with the European Commission and EU Member States, sometimes being subject to an onsite visit led by the European Commission, and taking part in hearings in front of the ASC. How is an airline added to the list?

If the European Commission or an EU Member State obtains and confirms evidence of serious safety deficiencies by an airline or its oversight authority anywhere in the world, the list will be updated to include this airline or all the airlines of the country in question.

Does the inclusion of an airline in the EU Air Safety List always mean that it is no longer allowed to fly in Europe?

YES. As long as the air carrier is subject to a total ban, neither its aircraft nor its personnel can operate in the European Union's airspace. The airline is included in Annex A to the regulation. Equally, as long as an air carrier is subject to a partial ban it can only operate the aircraft specified in the Regulation. The airline is listed in Annex B of the regulation..Banned airlines can still transport passengers and cargo by using the aircraft and personnel of other airlines not on the ASL through contracts known as 'wet-lease agreements.' This means that tickets sold by a banned airline can be used for flights operated by airlines that fully comply with safety rules. Additionally, aircraft used for government or state purposes, such as transporting heads of state and/or government or for humanitarian missions, are not subject to ICAO safety requirements. These 'state flights' can enter the EU even if commercial flights are banned. However, they must obtain special authorization ('diplomatic clearance') from all EU Member States they overfly, as well as from the destination state.

In essence, banned airlines cannot enter the sovereign airspace of any EU Member State and fly over their territory while they are banned (totally or partially).

Does the list prevent EU Member States from taking individual safety measures at a national level?

NO. The general principle is that any measure considered at national level must also be examined at European Union level. If an air carrier is deemed unsafe and banned in one EU Member State, this measure must be examined at EU level to potentially apply it across the entire EU. Nevertheless, even if the ban is not extended to the EU, Member States can still take action at national level in certain exceptional cases, especially in emergencies or when addressing specific safety issues affecting them.

What are airlines' 'rights of defence'?

Airlines that have been banned, or that are being investigated in view of a potential ban, have the right to express their points of view, submit any documents that they consider

appropriate for their defence, and make oral and written presentations to the ASC and the European Commission. This means that they can submit comments in writing, add new items to their file, and ask to be heard by the European Commission or to attend a hearing before the ASC, which then formulates its opinion based on these proceedings and the materials submitted prior to or during the hearing.

Is the European Commission approach a punitive one?

The European Commission's sole aim is to improve aviation safety, which is in everyone's interest, and in no way to affect a country's economic or social development. Countries affected can put in place technical assistance measures to help airlines achieve a satisfactory level of aviation safety. While in the past the focus has been to put countries and carriers on the ASL, the European Commission is now also working with affected States to help them improve their safety situation so that they may be removed from the ASL once the necessary safety levels have been reached.

How is the public informed about the EU Air Safety List?

The latest version of the list is publicly available under the following link: https://transport.ec.europa.eu/transport-themes/eu-air-safety-list_en. The European Commission also liaises closely with European and international travel agent associations whenever changes are made to the list, ensuring that they can help passengers make informed travel decisions. Additionally, the ASL Regulation requires national civil aviation authorities, EASA, and airports in EU Member States to inform passengers about the ASL through their websites and, where applicable, at their premises.

In what way does the EU Air Safety List provide rights to European travellers?

The ASL Regulation establishes the right for any passenger to know the identity of every airline they fly with throughout their trip. The contracting carrier must inform passengers of the identity of the operating airline(s) when they make a reservation, regardless of how the booking is made. Passengers must also be notified of any change of operating airline, either at check-in or, at the latest, when boarding. Additionally, the Regulation grants passengers the right to reimbursement or re-routing if a booked airline is added to the ASL, causing the flight to be canceled.

In what way does the publication of the EU Air Safety List help European citizens travelling beyond EU territory?

The ASL does not only ban unsafe airlines from operating to, from and in the EU. The publication of the list also provides useful information to people wishing to travel outside the European Union, so that they may avoid flying with these airlines if they wish. The list also protects consumers who have booked a trip through a travel agent that includes a flight with an airline that is on the ASL.

What is the safety problem with Russian aircraft?

With regard to the inclusion of Russian aircraft, in the aftermath of its war of aggression against Ukraine, more than 500 western built and owned aircraft under lease to Russian companies were not returned to their rightful owners, but were de facto seized and unlawfully re-registered on the Russian aircraft Registry. The airworthiness of these aircraft was previously certified by Bermuda and Ireland, the countries where they were registered. However, these certifications are no longer valid, and Russia, as the

illegitimate State of registry, is unable to guarantee the airworthiness of these aircraft. As a result, operating these aircraft poses a safety risk. Consequently, any Russian airline operating one or more of these aircraft are included on the ASL.