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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND  
THE COUNCIL**

**on the delegation of power under 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 air carrier, and  
repealing Article 9 of Directive 2004/36/EC**

## **1. INTRODUCTION**

Regulation (EC) No 2111/2005 (hereinafter "the Regulation") establishes a framework for establishing, maintaining and publishing a list of air carriers that are subject to an operating ban within the Union for safety reasons (EU Air Safety List). It sets out common criteria for imposing an operating ban on an air carrier, that are based on the relevant safety standards, and provides for making available the information on the identity of the operating air carrier, ensuring transparency for passengers. Moreover, the Regulation mandates that EU Member States enforce, within their territory, the operating bans on air carriers that are included in the EU Air Safety List since they fail to meet the relevant safety standards. These measures are designed not only to protect passengers by preventing unsafe airlines from operating in the Union's airspace, but also to inform the general public about air carriers that do not meet safety obligations.

Paragraph 2 of Article 3 of the Regulation empowers the Commission to adopt delegated acts to amend the Annex to the Regulation to modify the common criteria to take account of scientific and technical developments.

In addition, Article 8 of the Regulation empowers the Commission to adopt delegated acts to supplement the Regulation by laying down detailed rules in respect of the procedures referred to in its Chapter II, taking due account of the need for decisions to be taken swiftly on updating the list. These provisions collectively grant the Commission the authority to adopt delegated acts, enabling it to refine and supplement procedural rules governing the EU Air Safety List, and to manage the EU Air Safety List efficiently.

In connection with this empowerment, paragraph 2 of Article 14a of the Regulation stipulates that the Commission is to present a report to the European Parliament and to the Council in respect of the delegation of power conferred on it by the Regulation, ensuring transparency and accountability in the exercise of its delegated powers.

## **2. EXERCISE OF THE POWER TO ADOPT DELEGATED ACTS**

Since the entry into force of the Regulation, the Commission has exercised the power to adopt delegated acts referred to in Article 3(2) and Article 8 on two occasions to ensure that the Regulation remains effective, transparent, and aligned with evolving safety standards and procedural requirements.

### **2.1. Amendment of the Rules on the Updating of the EU Air Safety List**

The first delegated act, Commission Delegated Regulation (EU) 2023/660<sup>1</sup>, was adopted to amend the detailed rules in respect of certain procedures for the updating of the EU Air Safety

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<sup>1</sup> 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, ELI: [http://data.europa.eu/eli/reg\\_del/2023/660/oj](http://data.europa.eu/eli/reg_del/2023/660/oj).

List, replacing Regulation (EC) No 473/2006<sup>2</sup>, which initially laid down implementing rules for the list of air carriers subject to an operating ban in the Union.

The primary objective of this delegated act was to ensure that the rules governing the assessment, inclusion, and removal of air carriers from the list remain transparent and legally robust. Additionally, the amendments introduced improvements related to air carriers' right of defence during the evaluation process.

Prior to the adoption of this delegated act, the Commission consulted experts from Member States in accordance with the principles of the Inter-institutional Agreement of 13 April 2016 on Better Law-Making<sup>3</sup>. The draft delegated act was presented to the Commission Expert Group on Aviation Safety.

Consequently, pursuant to the empowerment granted under Article 8 of the Regulation, the Commission laid down detailed procedural rules for updating the EU Air Safety List, ensuring that decisions are taken swiftly and in a structured manner.

## **2.2. Amendment of the Common Criteria**

The second delegated act, Commission Delegated Regulation (EU) 2023/661<sup>4</sup>, was adopted to amend the Annex to the Regulation, which sets out the common criteria for imposing operating bans on air carriers. This initiative followed the 2019 evaluation of the Regulation, which recognised its continued relevance, but also highlighted the need to refine its interaction with the European Union Aviation Safety Agency (EASA) Third Country Operator (TCO) authorisation process.

The amendment aimed to enhance the implementation of the Regulation by replacing the existing Annex with an updated version incorporating a cross-reference to relevant provisions in Commission Regulation (EU) No 452/2014<sup>5</sup>. Additionally, the amendment included necessary elements for assessing the conditions under which an existing operating ban may be lifted if the underlying safety deficiencies have been resolved.

Prior to the adoption of this delegated act, the Commission consulted experts from Member States in accordance with the principles of the Inter-institutional Agreement on Better Law-Making. The draft delegated act was presented to the Commission Expert Group on Aviation Safety.

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<sup>2</sup> 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, ELI: <http://data.europa.eu/eli/reg/2006/473/oj>.

<sup>3</sup> OJ L 123, 12.5.2016, p. 1.

<sup>4</sup> Commission Delegated Regulation (EU) 2023/661 of 2 December 2022 amending Regulation (EC) No 2111/2005 of the European Parliament and of the Council on the common criteria to consider the implementation or lifting of an operating ban at Union level, OJ L 83, 22.3.2023, p. 54, ELI: [http://data.europa.eu/eli/reg\\_del/2023/661/oj](http://data.europa.eu/eli/reg_del/2023/661/oj).

<sup>5</sup> 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, ELI: <http://data.europa.eu/eli/reg/2014/452/oj>.

Consequently, pursuant to the empowerment granted under Article 3(2) of the Regulation, the Annex of the Regulation was amended through the adoption of this delegated act.

### **3. CONCLUSIONS**

For the reasons outlined in the preceding section, the Commission has exercised its power to adopt delegated acts on two occasions to amend and enhance the regulatory framework governing the EU Air Safety List.

The first amendment replaced Regulation (EC) No 473/2006 with updated procedural rules that strengthen legal certainty, efficiency, and the right of defence for air carriers subject to an operating ban. The second amendment refined the common criteria used to assess operating bans, ensuring better alignment with the EASA TCO authorisation system.

With this report, the Commission complies with the reporting requirement under paragraph 2 of Article 14a of Regulation (EC) No 2111/2005 and invites the European Parliament and the Council to take note of this report.