

Decision in the case 1484/2022/LDS on how the European Union Aviation Safety Agency handled a complaint concerning its advice on the impact of the war in Ukraine for private aviation

Decision

Case 1484/2022/LDS - Opened on 02/09/2022 - Decision on 02/09/2022 - Institution concerned European Union Aviation Safety Agency (No maladministration found) |

Dear Mr X,

You recently submitted a complaint to the European Ombudsman against the European Union Aviation Safety Agency (EASA) concerning the above issue.

From your complaint, we understand that your enrolment in a Personal Private License (PPL) training was suspended following a decision by EASA. You wrote to EASA to ask about the reasons for suspending your enrolment. In its reply, EASA explained that its decision follows the restrictive measures adopted by the EU in response to Russia's invasion of Ukraine. In particular, Article 3d of Council Regulation (EU) No 833/2014, as amended by Council Regulation (EU) 2022/334, prohibits any aircraft, "*which is owned or chartered, or otherwise controlled by any Russian natural or legal person, entity or body, to land in, take off from or overfly the territory of the Union*". EASA interprets this Article, in line with the FAQs published by the European Commission on that provision, to apply to all Russian citizens who are exercising the privileges of a PPL, including those residing in the EU, regardless of their political views.

In your complaint, you contend that EASA wrongly interprets Article 3d of Council Regulation (EU) No 833/2014, as sanctions should not target ordinary Russian citizens. You also argue that sanctions should not affect individuals who left Russia a long time ago and now live permanently in the EU, since they do not pay taxes in Russia and may not support the actions of the Russian government. You believe that EASA's actions are discriminatory and you would like EASA to allow you to resume your aviation training.

After a careful analysis of all the information you provided with your complaint, we have decided to close the inquiry with the following conclusion:

The information provided in the complaint does not lead to the conclusion that there was



any maladministration.

We consider that the explanations provided by EASA in reply to your concerns are reasonable and appropriate. We note that, since the amended Article 3d of Council Regulation 833/2014 prohibits Russian citizens from controlling an aircraft, it was reasonable for EASA to interpret that provision to include PPL training. As you mentioned in your complaint, part of the PPL training requires piloting an aircraft by the student alone. We also consider it reasonable for EASA to interpret the provision to apply to holders of a Russian passport residing abroad, in line with the FAQs published by the European Commission.

While we understand your dissatisfaction about EASA's interpretation of the amended Article 3d of Council Regulation 833/2014, given your personal situation, we do not consider the interpretation unreasonable.

I appreciate this may not be your desired outcome but I hope you find these explanations useful. Thank you for having contacted the European Ombudsman.

Yours sincerely,

Rosita Hickey Director of Inquiries

Strasbourg, 02/09/2022