

Letter re Third Country Licences.

I am concerned that the European General Aviation Community is feeling extremely worried about moves by your Agency to curtail the use of third country licences in Europe, notably, but not exclusively, FAA issued Airman Certificates. In effect Europe is sending a message to pilots outside of Europe (i.e. USA, Australia, Canada etc.) that they are no longer considered safe enough to fly here. What is absurd about the proposal is that it validates such licences but only for one year.

EASA, in its opinion to the Commission is suggesting that from 2012 anyone who is domiciled in Europe can only fly if they have a valid European licence.

There are more than 10,000 Europeans holding a third country licence and in order to continue flying they will need to convert to the EASA Part FCL Licence post implementation (April 2012) of the new system. The financial impact will be huge particularly for those who hold an Instrument qualification. They will have to re-sit a number of exams and do a flying course prior to being confirmed as ready to take the flight test. The work of FCL 008 may introduce some changes but this part of FCL is expected to follow on after the main licensing rules become law in Europe - this is unsatisfactory.

EASA has not provided any safety justifications for these proposals which deviate significantly from the existing rules. Part of the rule making process requires EASA, by law, to produce a Regulatory Impact Assessment (RIA) to support their opinion. It is unclear as to whether or not these costs and therefore social impact have been properly considered. On this point I believe that the Commission must set aside this part of the FCL opinion until further work has been done, so that the real impact is fully understood.

The Basic Regulation, which the Agency often cites as being the 'will of the European Parliament' does not specifically direct EASA to make proposals in respect of Flight Crew Licences; indeed as a Safety Agency it would be appropriate for EASA to support such proposals with a detailed safety case - they have not! Clearly this is a policy matter and therefore outside the remit of EASA. It should also be noted that this proposal has an impact on member states' ICAO obligations.

Whilst EASA is not currently suggesting that an individual can not own an aircraft which is registered in a third country, the FAA licensing system requires pilots to hold an FAA Airman's Certificate in order to be able to fly internationally in their foreign registered aircraft.

These EASA proposals will restrict aircraft owners to flights within their State. Aircraft owners in States like Malta will be unable to fly anywhere other than around their islands. This is a restriction of the individuals freedom of movement, is an imposition that doesn't currently exist and is in contravention of the Treaty of Rome. Foreign registered aircraft which have paid import duty and VAT are, under EU Customs and Excise rules, legally able to move (fly) around freely throughout Europe.

If these proposals are accepted by the Commission it will lead to major cost increases leading to a further economic downturn in activity.

Finally, it has been suggested by EASA officials that European organisations need to work with their American counterparts to put pressure on the US Government to conclude the current EU/US bilateral agreement, a debate which has been on-going for at least 18 months. Furthermore, Flight Crew Licences should be subject to EU/US bilateral agreement on the basis of mutual recognition of each others licences..

This suggests that this issue is not a safety matter but a political/policy matter and therefore the Commission should set this matter aside until the EU/US bilateral discussions have been concluded.

Europe must obviously take great care to avoid retaliatory measures from non-European states which could be a serious set back in terms of international aviation relations.

I look forward to your earliest reply as I understand there is a deadline of 13/14 October in respect of the Commission delivering its response to the EASA opinion.

Yours sincerely