



## UK Representation to the EU Brussels

30 June 2011

Jules Kneepkens  
Rulemaking Director  
Postfach 10 12 53  
D-50452 Cologne  
Germany

Simon Argyle  
UK Representation to the EU

Avenue d'Auderghem 10  
1040 Brussels  
Belgium

Tel.: +32 (2) 287 8302  
e-mail: [Simon.Argyle@fco.gov.uk](mailto:Simon.Argyle@fco.gov.uk)

I refer to your letter of 1 April 2010 to Kim Darroch about the Notice of Proposed Amendment on Third country Operators (NPA 2011-05) setting out draft implementing of flight and duty time limitations.

The Department for Transport and the CAA have now responded to the consultation document. In addition I would like to highlight that we have major objections which we would like to be discussed by the Advisory Group of National Authorities (AGNA) in accordance with Article 7.6 of the EASA Management Board Decision on the rulemaking procedure.

Article 9 5(d) of Regulation 216/2008 requires that the process by which authorisations are obtained is simple, proportionate, cost-effective and efficient in all cases. We do not believe that the process proposed will meet that requirement. For example, we note from the Regulatory Impact Assessment that low risk airlines are estimated to have to spend 16 hours making the application and that it will take EASA another 8 hours to process the application. In the case of low risk application we would expect that the certificates issued by the States of the Operator and Registry would normally be taken as evidence of compliance. This level of burden on low risk operators therefore appears to be excessive. It may even become uneconomical for very small TCOs to operate to the EU.

We are also concerned that it is expected that operators should make applications for authorisations 90 days in advance of the first proposed service. We do not believe that this level of service can be said to be efficient,

especially in the case of low risk operators where EASA will take 8 hours to process the application.

We are concerned that disproportionate requirements may place Member States in breach of their obligations under Bilateral Air Service Agreements and lead to retaliation against EU airlines. We also believe that large charges for authorisations will be used by other states to justify establishing similar approval schemes and imposing large charges for authorisation on EU airlines.

We hope that bringing major objections to AGNA will provide an opportunity to discuss the proposal in the round.

A handwritten signature in black ink, appearing to read 'S Argyle', with a stylized flourish at the end.

Simon Argyle  
First Secretary, Transport