

Florian Guillermet
Executive Director

Beatriz Balbin
Chief
Special Procedures Branch
OHCHR
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Sent by email only

Subject: Joint Communication from Special Procedures Branch

Reference: AL OTH 58/2024

Dear Ms Balbin,

I would like to thank you for your communication dated 16 April 2024 regarding the Agreement between the Government of the United Kingdom and the Government of Rwanda. I have carefully analysed the information you submitted in your capacities as Special Rapporteur pursuant to Human Rights Council Resolutions 53/9, 52/20 and 52/7, in light of the aviation rules the European Union Aviation Safety Agency (EASA) is responsible for.

EASA is governed by Regulation (EU) 2018/1139¹ setting out the tasks and responsibilities of EASA in relation to aviation safety. EASA is the centrepiece of a regulatory system which provides for a single European market in aviation and promotes the highest common standards of safety and environmental protection in civil aviation in Europe and worldwide.

The situation you describe falls outside of the competence of EASA as established under Regulation (EU) 2018/1139, both with respect to EU airlines as well as UK airlines.

The United Kingdom (UK) is no longer a member of the European Union and EASA's safety oversight responsibilities with respect to UK airlines, or any other 3rd country airlines, are limited to issuing authorisations to such operators, attesting compliance with the European Union's safety standards, when they conduct commercial air transport operations to the European Union.

¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91, OJ L 212, 22.08.2018, p. 1

EASA is also not the competent authority to issue operating licenses to EU airlines for the operation of air transport services in the European Union, as per Regulation (EC) No 1008/2008². This responsibility belongs to the competent licensing authority of European Union Member States.

Finally, EASA is in no way responsible for approving chartering arrangements, or granting traffic rights or other commercial authorisations to EU airlines or UK airlines for the purpose of carrying out passenger traffic to/from the UK, and does not have information about any airlines potentially conducting the subject matters flights to/from the UK.

Therefore, we can only advise that you contact the UK Civil Aviation Authority and the UK Government on these matters.

For the rest, I can assure you that EASA, as body of the European Union, fully abides by international and EU rules on protection of human rights deriving from the Charter of Fundamental Rights of the European Union.

Yours sincerely,

Florian Guillermet

² Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast), OJ L 293, 31.10.2008, p. 3