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Vladislav Vodopian

Cologne, as per the e-signature

Sent by email only:

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**Subject:** Your request for access to documents  
**Reference:** Your request of 7 August 2022 submitted via the AsktheEU portal  
**Attachment:** 22 .pdf documents

Dear Mr Vodopian,

Thank you for your abovementioned query, in which you apply for access to documents in accordance with Regulation (EC) No 1049/2001<sup>1</sup>, that is applicable to documents held by the European Union Aviation Safety Agency (EASA) under Article 119(1) of Regulation (EU) 2018/1139<sup>2</sup>.

You requested access to:

*Any information and/or documents concerning the development of Council Regulations (EU) No 2022/334 and 2022/328 (amending the Regulation No 833/2014) and application of the restrictions introduced in the mentioned Regulations to student pilots and General Aviation pilots holding Russian citizenship and either an EU residence permit or dual citizenship of Russia and the EU, including the minutes of the meetings on the development and/or application of the above Regulations, communication with other authorities of the EU on the aforementioned issue, as well as communication with the authorities of EU Member States on this matter.*

Please be informed that EASA is governed by Regulation (EU) 2018/1139 which sets out its tasks and responsibilities in relation to aviation safety. The topic that you are interested in, namely the development and implementation of EU sanctions, falls outside the remit of EASA competences. EASA does not have legislative competence and did not participate in the development of Council

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<sup>1</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 31 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145 of 31.3.2001, p. 43)

<sup>2</sup> 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, 22.8.2018, p. 1)

Regulations (EU) No 2022/334 and 2022/328 (amending the Regulation No 833/2014<sup>3</sup>) and does not hold any documents related to the development of those regulations. Please contact the EU Council or the European Commission as regards those legislative documents.

As regards documents related to the application of the above-mentioned regulations, EASA only assists the European Commission by publishing legally non-binding [Frequently Asked Questions](#) (FAQs) on the application of EU sanctions in the areas covered by Regulation (EU) 2018/1139 and by responding to individual queries on those matters received from aviation stakeholders and aviation authorities.

In this context, we identified documents that contain exchanges with Member States' competent authorities regarding the applicability of the restrictive measures to private pilots. You can find the list of these documents in the Annex. Please note that the disclosure of these documents is only partial. In accordance with Article 4(1)(b) of Regulation (EC) No 1049/2001 all personal data (e.g. names, email addresses) has been removed in order to protect the privacy and integrity of the individuals mentioned therein. We also redacted or removed those portions of the documents that do not contain information related to private pilots, which you have requested.

Please note that while we disclose documents that contain a published version of FAQs at a given point of time, we would like to highlight that these might be now outdated as the FAQs are updated on a regular basis. Therefore, please always consult the latest version of the FAQs published by EASA<sup>4</sup> and the European Commission<sup>5</sup> on their dedicated websites.

As regards the internal notes of EASA and exchanges with the European Commission on the application of restrictions introduced in the above-mentioned regulations they are not disclosed, as they constitute documents containing opinions for internal use prepared as part of deliberations and preliminary consultations within EASA. The only purpose of these deliberations and preliminary consultations is to publish and regularly update the above-mentioned FAQs and respond to individual queries on the matters covered by the FAQs.

Furthermore, the question of interpretation of Regulation 833/2014 (as amended) with respect to the private pilots is currently pending before the General Court as Case T-233/22 Ekaterina ISLENTYEVA v Council of the European Union. Although EASA is not directly involved in those legal proceedings, disclosure of internal documents related to the application of Regulation 833/2014 could undermine the purpose of those proceedings which is independent examination of the matter by EU courts.

In view of the above EASA decided that the internal notes and exchanges with the European Commission related to the application of EU restrictive measures that you requested cannot be disclosed as they are covered by exceptions provided for in Article 4(2) and 4(3) of Regulation (EC) No 1049/2001 related to the protection of court proceedings and internal deliberations and preliminary consultations within EU institutions. At the same time public interest is fully served by ensuring that the final results of those internal deliberations are fully available to all interested parties through the information published on the EASA and Commission websites.

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<sup>3</sup> Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine (OJ L 229, 31.7.2014, p. 1)

Latest consolidated version: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02014R0833-20220722&qid=1662977113428>

<sup>4</sup> <https://www.easa.europa.eu/en/the-agency/faqs/eu-restrictive-measures-against-russia>

<sup>5</sup> Aviation related points are under 'Others' [https://finance.ec.europa.eu/eu-and-world/sanctions-restrictive-measures/sanctions-adopted-following-russias-military-aggression-against-ukraine\\_en](https://finance.ec.europa.eu/eu-and-world/sanctions-restrictive-measures/sanctions-adopted-following-russias-military-aggression-against-ukraine_en)



Kindly note that in accordance with Article 7(2) of Regulation (EC) No 1049/2001 you have the right to request EASA to reconsider its decision by making a confirmatory application. In such case, you should send your confirmatory application in writing to the Executive Director of EASA. The deadline for submitting the confirmatory application is set at 15 working days from receipt of this letter. Any confirmatory application received beyond this deadline cannot be accepted.

Yours sincerely,

Arthur Beckand  
(e-signed)



## ANNEX

### List of disclosed documents

- #1. Brief Summary -1st meeting of Taskforce on the EU's restrictive measures\_Redacted
- #2. Att. Brief Summary - 1st meeting of Taskforce on the EU's restrictive measures - aviation related extracts\_RU sanctions
- #3. FAQs - Measures Adopted on 28 February concerning the closure of EU Airspace.\_Redacted
- #4. Att. FAQs - Measures Adopted on 28 February concerning the closure of EU Airspace - QA 2nd package OPS ban v.2 3.3.2022
- #5. Brief summary\_ 2nd Meeting of Taskforce on the EU's restrictive measures\_Redacted
- #6. Implementation of the EU restrictive measures in the aviation sector (SAB)\_Redacted
- #7. Implementation of the EU restrictive measures in the aviation sector (MAB)\_Redacted
- #8. Att. Implementation of the EU restrictive measures in the aviation sector - FAQs (SAB\_MAB) - FAQ - 14.03.22
- #9. Att. Implementation of the EU restrictive measures in the aviation – EASA notice\_to\_stakeholders-sanctions-russia
- #10. Att. Implementation of the EU restrictive measures in the aviation-list\_of\_suspended\_russian\_certificates\_and\_approvals
- #12. Att.Implementation of the EU restrictive measures in the aviation-EB\_SAFETY OBLIGATIONS OF ICAO CONTRACTING STATES
- #13. RE\_ Implementation of the EU restrictive measures in the aviation sector (MAB)\_Redacted
- #14. Implementation of the EU restrictive measures in the aviation sector - FAQs (SAB)\_Redacted
- #15. Brief summary\_ Dedicated information session for MS on EU's restrictive measures\_Redacted
- #16. FAQs on the implementation of the EU restrictive measures - publication of second batch (MAB)\_Redacted
- #17. FAQs on the implementation of the EU restrictive measures - publication of second batch (SAB)\_Redacted
- #18. Att. FAQs on the implementation of the EU restrictive measures - publication of second batch (MAB\_SAB) Batch2 (29.03.22)
- #19. MoM Aircrew TeB 01062022 final\_Redacted (excerpt)
- #20. Att. MoM Aircrew TeB 01062022 final - Russia-sanctions-Aircrew TeB-2022-06 v1\_Redacted
- #21. RE\_ ITALIAN -RUSSIAN CITIZENSHIP\_Redacted
- #22. RE\_ Restrictive actions\_Redacted

