THE AGE LIMIT OF 60 FOR PILOTS OF SINGLE-PILOT "CAT" FLIGHTS IS DISCRIMINATORY - IT'S TIME TO PUT AN END TO IT BY BREAKING THE OMERTA SURROUNDING IT

By Philippe Renz [1]

04.11.2023

INTRODUCTION

In Europe, the current age limit of 60 for pilots of single-pilot "CAT" (*Commercial Air Transport;* hereinafter: "CAT"*)* operations was introduced into Community law when Regulation (EU) No 1178/2011 [2] was adopted by the European Commission on 3 November 2011 (hereinafter: "the Regulation"), without any prior impact assessment of the medical, social and aviation safety issues raised by this age limit.

Almost twelve years later, the European Union Aviation Safety Agency (EASA) is proposing in its Opinion No 05/2023 [3] of 13 October 2023 (hereinafter: the "Opinion") to return to the age limit of 65 that applied almost everywhere in Europe until the Regulation came into force. However, this proposal only concerns helicopter pilots operating "HEMS" (*Helicopter Emergency Medical Service;* hereinafter: "HEMS"*)* flights.

While this proposal is the latest episode in a backtracking process begun several years ago by EASA to correct, in stages, the errors made by the authorities concerned from the outset of this affair, the content of the Opinion also demonstrates, above all, that a total silence continues to be maintained on the fact that this age limit of 60 is unlawful because it is discriminatory. This silence can be described as an omerta, since it is obviously being maintained in order to prevent the authorities who are the authors or accomplices of this discrimination from having to assume the, sometimes serious, human, social and financial consequences that have resulted for the pilots who have been the victims.

This omerta, which was also recently observed with the Swiss civil aviation authorities, is the purpose of this note to bring it to light in order to break it and thus force the authorities concerned to eliminate the said discrimination without delay. Failing this, it will be up to the pilots concerned to take legal action to assert their rights.

---

[1] Philippe Renz is a Swiss lawyer specialising in aviation law with Renz & Partners in Bern (Switzerland)

[2] Regulation (EU) No 1178/2011: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011R1178

[3] Opinion No 05/2023: https://www.easa.europa.eu/en/downloads/138640/en

SUMMARY OF THE FACTS

The origin and then the history of this age limit case, from the time it was set in 2011 in Article FCL.065 of the Regulation, to the day of publication of the EASA Opinion on 13 October 2023 in which the latter proposed a return to the age limit of 65 years but only for HEMS operations pilots, have been summarised in part in the documents that EASA itself published in this case, mainly in :

- The aforementioned Opinion, published on 13 October 2023 by EASA;

- Version 3 of the *Terms of Reference for rulemaking task RMT.0287* [4] , published by EASA on 31 May 2021 (hereinafter: the "ToR RMT.0287");

- The final report on the research project entitled "*Age Limitations - Commercial Air Transport Pilots*", published by EASA on 25 February 2019 [5] (hereinafter: the "2019 Research Report").

This note will therefore refer in part to these documents in the following summary of the facts of this age limit case, a summary that will be supplemented by the facts explaining why the age limit that affects pilots of single-pilot CAT flights from the age of 60 is unlawful because it is discriminatory, and this since 2011.

The origin of the current age limits

As indicated in the 2019 Research Report, the current age limits set out in Article FCL.065 of the Regulation have been taken from ICAO Annex 1. However, while Article 2.1.10 of this ICAO annex does indeed provide for these age limits, the ICAO regime applies them only to pilots engaged in CAT operations at international level, and not at national level. From the outset, therefore, the European legislator adopted a more restrictive regime than that of ICAO, particularly with regard to the helicopter industry, whose operations are carried out in most cases at national level. By the way, this is a fact that EASA put forward as an argument years later, in the ToR RMT.0287 in 2021, to justify going backwards in favor of HEMS operations pilots.

An age limit of 60 for pilots of single-pilot CAT operations was also set in Article JAR-FCL 1.060 of the JAR regulations, which were subsequently replaced by the Regulation which was also inspired by it. However, most European countries have never implemented this age limit for helicopter pilots in their national legislation, mainly because it is lower than the legal retirement age applicable to everyone in the countries concerned.

Therefore, the European legislator adopted Article FCL.065 on the basis of or inspired by the provisions of the ICAO and JAR regimes - provisions that have no legal value until they are implemented in national or supranational law - and thus introduced the age limit of 60 into Community law.

[4] Terms of Reference for rulemaking task RMT.0287: https://www.easa.europa.eu/en/downloads/9497/en

[5] Final Report EASA_REP_RESEA_2017_1: https://www.easa.europa.eu/en/downloads/87899/en

An age limit that was discriminatory from the outset

On 27 November 2000, the Council of the European Union adopted Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation [6] (hereinafter: the "Directive"). One of the aims of the Directive is to combat age discrimination in employment, which is prohibited unless differences in treatment can be justified on legitimate grounds in certain circumstances, as set out in number 25 of the recitals to the Directive:

"The prohibition of age discrimination is an essential part of meeting the aims set out in the Employment Guidelines and encouraging diversity in the workforce. However, differences in treatment in connection with age may be justified under certain circumstances and therefore require specific provisions which may vary in accordance with the situation in Member States. It is therefore essential to distinguish between differences in treatment which are justified, in particular by legitimate employment policy, labour market and vocational training objectives, and discrimination which must be prohibited."

The grounds on which differences in treatment on grounds of age may be provided for by the Member States are set out in the Directive, principally in Article 6(1) (grounds relating to employment policy, labour market and vocational training) and Article 4(1) (grounds relating to an essential and determining occupational requirement for the pursuit of a profession). However, the Directive makes the justification and legality of such differences conditional on the pursuit of a legitimate aim that can be achieved by appropriate, proportionate and necessary means. Such an objective and such means must therefore be carefully analysed and duly demonstrated, and proven, in order for a differentiated regime to be tolerated.

In a legal note entitled *"Age discrimination in EU law"*, Prof. Colm O'Cinneide provides an overview of this topic and the relevant case law handed down by the Court of Justice of the European Union up to the end of 2016 [7] . This note is essential reading for all legal experts and, citing the case law, its author recalls the restrictive conditions that must be met for differential treatment on grounds of age to be legally justified.

In the light of these principles, the question that arises in the present case is whether the European legislator - and/or on its behalf, the EASA which prepares draft legislation - had ascertained beforehand, before formally adopting Article FCL.065 of the Regulation which sets the age limit at 60 for pilots of single-pilot CAT operations, that the conditions justifying differential treatment had been duly met. Just because such an age limit already existed in the ICAO and JAR regulations - whose provisions have, once again, no legal value until they have been implemented in national or supranational law - does not mean that the European legislator could spare itself a detailed analysis of the situation in order to determine whether or not differential treatment affecting pilots aged over 60 could be legally justified.

However, the 2019 Research Report, by stating that the age limits set out in Article FCL.065 of the Regulation were developed by the EASA *"without conducting a specific impact assessment on safety, health or social issues"*, implicitly answers the question in the negative.

---

[6] Directive 2000/78/EC: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0078

[7] Note of Prof. Colm O'Cinneide: https://www.era-comm.eu/oldoku/Adiskri/06_Age/118DV23_O_Cinneide_2_EN.pdf

Indeed, the European legislator, having dispensed with any prior study that would have enabled it to determine (i) whether lowering the age limit from 65 to 60 could be justified by medical or aviation safety grounds, (ii) what would be the human, social and financial impact of this new age limit on the community of pilots concerned, as well as (iii) the needs of the helicopter market in Europe in terms of pilots, deprived itself from the outset of the possibility of being able to demonstrate that the lowering of the age limit to 60 that it envisaged was based on a legitimate objective and constituted an appropriate, proportionate and necessary means of achieving that objective.

The result is that the European legislator adopted Article FCL.065 of the Regulation without being able to justify an exception to the prohibition of age discrimination under the Directive, and that therefore the age limit set at 60 in this provision for pilots of single-pilot CAT operations was unlawful from its adoption in 2011, because it was discriminatory.

Finally, it should be noted that although the Directive provides that Member States may provide for differences in treatment on grounds of age if the conditions justifying such differences are met, no EU Member State has obviously carried out any studies on the subject that would have enabled them to justify exceptions on their national territory. EASA would have referred to such studies if this had been the case, particularly in its 2019 Research Report, which was therefore the result of the first in-depth study carried out on the subject by a European authority.

A large number of derogations granted, followed by the 2019 Research Report

This discriminatory regime was not acceptable or even viable from the outset for the helicopter market in many European countries, as demonstrated by the derogations that EASA had to grant as early as 2012 to the nine countries that requested them for HEMS operations, derogations that have been renewed many times since, right up to the present day.

While these derogations were mentioned in the ToR RMT.0287 and then in the Opinion, these documents do not mention the derogations that were granted during the same period to countries that requested them for non-HEMS operations, as was the case for Switzerland. The latter repeatedly requested and obtained derogations until the end of 2019 so that all pilots operating single-pilot CAT flights could continue to do so until the age of 65. EASA then severely restricted these derogations for the period from 2020 to 2022 [8] , forcing some Swiss helicopter companies to lay off their pilots aged over 60, or those who were reaching that age.

As the ToR RMT.0287 and the Opinion go on to state, it was the number of derogations granted to certain countries since 2012 and the increasing statutory retirement age across Europe that led EASA *"to launch a research study in 2017 on the appropriateness of the existing pilot age limitations for commercial pilots"*. EASA admitted therefore that it did not know whether these age limits were appropriate six years after they were introduced into Community law in 2011.

[8] Press release issued by the Swiss Parliament on 03.06.2021 (in German only): https://www.parlament.ch/de/services/news/Seiten/2021/20210603130146029194158159038_bsd097.aspx

The above facts show that it was only in 2017, six years after adopting Article FCL.065 of the Regulation, that the European legislator considered whether the age limits set in this provision in 2011 could be justified from the point of view of the Directive, which it did by launching this research study, the results of which, presented in the 2019 Research Report, show that this was not the case.

In fact, in section 4.2.2 of this report, in the part of the conclusions and recommendations relating to the age limit for operating a single-pilot aircraft, the experts set out the following:

"Based on the outcome of Parts 1 and 2 it was concluded that the risk of the 55-64 age group is just within the margin of the acceptability limit for catastrophic system failures for single piloted CS 23 aircraft with a single reciprocating engine and a seating capacity for 0-6 passengers; and therefore, that there is a compelling need to reduce the medical incapacitation risk of single flying CAT pilots in the 55-64 age range. Any increase of the age limitation for single pilot operations should be accompanied by additional measures to reduce the likelihood of pilot incapacitation to meet current operational accident acceptability values. It is therefore recommended to extend the age limit of CAT pilots flying single pilot operations from 60 years to the pilot's 65th birthday, providing that additional measures are taken (see Table 1)"

The experts explained that the risk of medical incapacitation occurring in flight to pilots in the 55-64 age bracket is acceptable, as it is no higher than that accepted for catastrophic system failures occurring in flight to vital components of single-engine CS 23 class aircraft, with a capacity of 0 to 6 passengers, and operated by a single pilot.

Based on this finding of acceptable risk, the experts then recommended raising the age limit from 60 to 65, i.e. a return to the previous age limit in force in Europe, while recommending that pilots over 60 be subject to accompanying medical measures in order to further reduce the risk of medical incapacity occurring in flight.

The findings, conclusions and recommendations of this study demonstrated or confirmed in 2019 that the difference in treatment applied since 2011 to pilots of single-pilot CAT operations, aged between 60 and 65, was unjustified because the only objective that such a difference in treatment could have pursued - that of eliminating an unacceptable risk to aviation safety - and which might have allowed discrimination on the basis of age to be tolerated, proved not to be legitimate, the study having shown that this risk remained within acceptable limits.

Furthermore, even if the European legislator had been able to demonstrate the existence of a legitimate objective of aviation safety at the time - which it was unable to do, however, as it did not conduct any study on the subject - it would still have had to demonstrate, in order to be able to justify a difference in treatment, that this objective had been implemented by appropriate, proportionate and necessary means. But clearly, a ban on pilots over 60 from practicing their profession would have been neither appropriate, proportionate nor necessary, because if there had been a risk to aviation safety at the time, it could have been reduced by accompanying medical measures, such as those recommended by the experts in their 2019 Research Report.

Finally, it should be noted that since 2012 EASA itself has accepted the acceptable level of risk represented by the general state of health of pilots aged between 60 and 65 active in single-pilot CAT operations, since it has granted a large number of derogations to the age limit of 60 to all the countries that have requested them. These derogations have been renewed on numerous occasions, and EASA continues today to do so for certain types of operation.

What happened next? Decisions that are both incomprehensible and unacceptable

In March 2019, EASA organised a seminar on pilot age limits to present the results of the 2019 Research Report. On this occasion, it indicated in an introductory presentation that the age limit of 60 years was no longer appropriate for the single pilot operations (*"Age 60 limit no longer appropriate for the single pilot operations"*).

Despite this very clear statement, which was based in particular on the equally clear conclusions of the 2019 Research Report, the decisions that EASA subsequently took in this whole affair proved to be both incomprehensible and unacceptable, since instead of immediately putting an end to the unlawful discriminatory regime that had existed since 2011, EASA found nothing better than to expand it the following year.

Indeed, and firstly, on the basis of the results of the 2019 Research Report, which demonstrated or confirmed the absence of a ground for the European legislator to justify a difference in treatment for pilots of single-pilot CAT operations aged between 60 and 65, EASA should have put an end to the unlawful discriminatory regime without delay, which it could have done, for example, by automatically granting all the countries to which the Regulation applies derogations from the age limit of 60 for these pilots, across the board for all types of single-pilot CAT operations. EASA could then have renewed these derogations, if necessary, until the unlawful age discrimination(s) contained in Article FCL.065 of the Regulation were removed, and until new rules implementing the accompanying medical measures deemed useful - such as those proposed by the experts in their 2019 Research Report - were adopted for all the pilots concerned by these new measures.

However, instead of immediately abolishing this unlawful discriminatory regime, which had been in place since 2011, EASA has done quite the opposite by partially abolishing from 2020 the system of derogations that it had put in place since 2012 to allow the pilots concerned to operate single-pilot CAT flights until the age of 65, as shown by the example of Switzerland. Indeed, from 2020, EASA granted Switzerland derogations for pilots of single-pilot HEMS operations only, thereby abolishing the derogations that had previously been granted to pilots of non-HEMS single-pilot operations.

These findings are serious because, by abolishing these derogations for pilots of non-HEMS operations in the knowledge that it had neither factual nor legal grounds to justify the discriminatory regime that it had introduced by adopting Article FCL.065 of the Regulation, EASA knew that many pilots aged 60 or over would lose their jobs, from 2020 onwards, with all the negative or even catastrophic human, social and financial consequences that would ensue for them.

Subsequently, as shown in the ToR RMT.0287 published in May 2021, EASA decided to focus on a return to the age limit of 65 years only for helicopter pilots operating HEMS flights, in

order to meet the needs of HEMS operators to have sufficient pilots available. EASA then materialised its proposals almost two and a half years later, at the end of a "accelerated" procedure, in its Opinion which justifies this return to normality by "benefits" (see section 3.2), failing to be able to justify it by what should have been the (sudden) disappearance of an aviation safety ground that EASA has never been able to demonstrate since the adoption of the discriminatory regime of Article FCL.065 of the Regulation, the 2019 Research Report having subsequently demonstrated, on the contrary, that such a ground could not be invoked.

By proceeding in this way and, once again, despite the fact that the 2019 Research Report had demonstrated or confirmed the absence of any grounds on which it could justify maintaining age discrimination for any pilot over 60 operating single-pilot CAT flights, EASA has ignored the needs, in particular the human, social and financial needs of the entire community of pilots operating non-HEMS flights, preferring to focus on a smaller community of HEMS pilots who are subject to greater medical risk factors (more stressful missions, irregular working hours, night flights, etc.). By opting for a dubious political choice while continuing to ignore a fundamental principle of law - the prohibition on discrimination without a valid ground - EASA has created a new form of discrimination, that of non-HEMS pilots vis-à-vis HEMS pilots. This discrimination is in addition to that suffered by all pilots, HEMS and non-HEMS alike, which results from the adoption of Article FCL.065 of the Regulation in 2011.

It should also be noted that in its Opinion, EASA does not indicate when or how it intends to eliminate this double discrimination against non-HEMS pilots. This despite the fact that, in the last point of the list of "benefits" published in section 3.2 of its Opinion, it states that it intends to use the data that will be collected in the future on the health trends state of HEMS pilots to facilitate safety assessment for alleviation of pilot age limits for other categories of commercial pilots. Indeed, such data collection cannot concern pilots of single-pilot non-HEMS operations, since the risk of medical incapacity occurring in pilots aged between 60 and 65 has been demonstrated or confirmed as acceptable by the 2019 Research Report. This risk is all the more acceptable as the risk for non-HEMS pilots is even lower than that for HEMS pilots who are subject to additional risk factors, as indicated above.

The omerta surrounding this whole affair

In the ToR RMT.0287 and in the Opinion, EASA does not in any way address the discrimination suffered by the pilots concerned, nor the, non-existent, grounds on which such discrimination would be justified. EASA also remains silent, in these documents, on the sometimes serious human, social and financial consequences suffered by the discriminated pilots, as well as on the date for the elimination of this discrimination.

This total silence on these matters was also observed recently with the Swiss civil aviation authorities, to whom a pilot, who lost his job as a result of the abolition of the derogations granted by EASA to Switzerland until the end of 2019, asked to be held to account and to justify, in fact and in law, the reasons for the discriminatory regime of which he is a victim [9]. After the pilot asked the authorities to produce a number of documents relating to the case, in particular those exchanged by Switzerland with the EU and those internal to Switzerland, the authorities refused access to all these documents, mainly on the following grounds:

[9] This pilot is a client of the author of this note.

- The production of these official documents would damage Switzerland's interests and relations with the EU, particularly in the context of the current complex political situation between Switzerland and the EU;

- These official documents reflect Switzerland's current position on an issue that is relevant to current and future negotiations with the EU, the production of which can therefore be refused;

- The analyses and assessments of these authorities on Switzerland's incorporation into Swiss law of Article FCL.065 of the Regulation, and on the reasons why Switzerland did not oppose EASA's refusal to continue to grant derogations beyond 2019, cannot be produced as they are covered by the secrecy of the decisions taken on the subject by the Swiss Federal Council.

The Swiss civil aviation authorities are thus demonstrating their desire to maintain this total silence by refusing to produce any document relating to this case, citing political reasons and federal secrecy. However, they would not have had to keep these documents secret if, together with the European authorities concerned, they had dealt with the case properly and in accordance with the law.

Indeed, if the discrimination contained in Article FCL.065 of the Regulation could have been justified on legitimate grounds prior to its adoption by the European legislature in 2011, if Switzerland could have demonstrated through its own factual and legal analysis of the situation that this discriminatory provision had been validly incorporated into Swiss law [10] at the time, and if Switzerland had been able to justify in fact and in law the reasons why it had no grounds for objecting to the termination of the derogations granted to it by EASA until the end of 2019, these authorities would have had every interest in being transparent by explaining and documenting the (correct) way in which they have handled this case between 2011 and the present day.

All these silences can therefore be described as an omerta, since it is clear that they are intended to conceal the way in which this case of discrimination has been handled from the outset. An omerta which is obviously maintained today to prevent the authorities who are the authors or accomplices of this discrimination from having to assume the sometimes serious human, social and financial consequences that have resulted or will still result for the pilots who were, are or will still be the victims of this discrimination.

DAMNING FINDINGS

The facts set out above show just how damning the findings are for the authorities concerned. Indeed :

- First of all, it has been shown that the European legislator introduced in Article FCL.065 of the Regulation a discriminatory regime with regard to single-pilot CAT operations pilots over 60 years of age, without first ascertaining whether or not differential treatment affecting these pilots could be legally justified.

[10] A Swiss law which, in Article 8 paragraph 2 of the Swiss Constitution, also prohibits discrimination on the grounds of age.

- It was then explained that this new discriminatory regime was not acceptable or even viable from the outset for the helicopter market in many European countries, which is why EASA had to grant these countries derogations from Article FCL.065 so that their pilots could continue to operate single-pilot CAT flights until the age of 65. These derogations were subsequently renewed several times, some until the end of 2019, others until today.

- It was then shown that six years after the introduction of Article FCL.065 of the Regulation into Community law, EASA, doubting the relevance of the age limits for CAT pilots that had been set in this provision, launched a research study into the matter. It was therefore established that it was only in 2017 that EASA began its analysis in order to determine whether the discriminatory regime of Article FCL.065 could be legalised after the event, or whether it was unlawful.

- It was then explained that the experts who delivered the 2019 Research Report had concluded that the risk of medical incapacitation occurring in flight to pilots in the 55-64 age group is acceptable as it is no higher than that accepted for catastrophic system failures occurring in flight to vital components of single-engine CS 23 class aircraft, with a capacity of 0 to 6 passengers, and operated by a single pilot.

- It has thus been established that in 2019, EASA became aware or obtained confirmation of the fact that the difference in treatment applied since 2011 to single-pilot CAT operations pilots aged between 60 and 65 was unjustified, and therefore discriminatory. This is because the only objective that such differential treatment could have pursued - that of eliminating an unacceptable risk to aviation safety - and which might have allowed discrimination on the basis of age to be tolerated, proved not to be legitimate, as the study demonstrated that this risk remained within acceptable limits.

- It was then explained that the accompanying medical measures proposed by the experts in their 2019 Research Report to further reduce the risk of in-flight medical incapacitation were only recommendations.

- It was then explained that EASA, having been made aware of the findings of the 2019 Research Report from which it resulted that the regime adopted in 2011 for pilots over 60 years of age in single-pilot CAT operations was discriminatory, had subsequently found nothing better than to expand this unlawful discrimination, instead of putting an end to it without delay.

- Indeed, and firstly, it was explained that EASA had then abolished from 2020, at least in Switzerland, the derogations it had granted since 2012 to pilots of non-HEMS operations. And that it did so in the full knowledge that many pilots aged 60 or over would then lose their jobs, from 2020 onwards, with all the negative or even catastrophic human, social and financial consequences that this would entail for them.

- It was then shown that EASA had created an additional form of discrimination from 2020 onwards, discriminating non-HEMS pilots vis-à-vis HEMS pilots. For the latter, EASA did not abolish its derogations from 2020, allowing them to continue to carry out HEMS operations until the age of 65. Subsequently, EASA focused on a regulatory return to normal only for these HEMS pilots, for a dubious political reason and while continuing to ignore a fundamental principle of law, that of the prohibition of discrimination without a valid ground. And it did so knowing that this community of HEMS pilots is smaller and

subject to greater medical risk factors (more stressful missions, irregular working hours, night flights, etc.) than that of non-HEMS pilots.

- It was then explained that this whole affair has been shrouded in secrecy for years, both on the part of EASA and the Swiss civil aviation authorities. First of all, it was shown that EASA, notably in the ToR RMT.0287 and in the Opinion, has not in any way addressed the discrimination suffered by the pilots concerned, nor the, non-existent, grounds on which such discrimination would be justified. EASA has also remained silent, in these documents, on the sometimes serious human, social and financial consequences suffered by the discriminated pilots, as well as on the date for the elimination of this discrimination.

- It was then explained that the Swiss civil aviation authorities, in the context of a recent specific case, had refused to produce any documents relating to this age limit case, citing political reasons and federal secrecy. However, these authorities would have had no reason to keep the documents secret if they and the European authorities concerned had handled the case properly and in accordance with the law.

- In conclusion, it was explained that this omerta is obviously being maintained today in order to prevent the authorities who were the authors or accomplices of the discriminatory regime of Article FCL.065 of the Regulation from having to assume the sometimes serious human, social and financial consequences that have resulted or will still result for the pilots who have been, are still today, or will still be in the future, the victims.

THE NECESSARY CONSEQUENCES

The above damning findings cannot remain without consequences for the authorities concerned, who must now assume their responsibilities for the mistakes they have made in this affair, from its inception in 2011 to the present day.

Legality, equality, good faith, transparency, "Just culture": these fundamental principles of our rule of law and of the aviation industry apply not only to the people and firms of this industry but also, and above all, to the public authorities that govern it.

The relevant authorities in Europe, whether at supranational or national level, shall therefore be expected to apply these principles in the present case of age limits in order to put an immediate end to the unlawful discrimination suffered by single-pilot CAT operations pilots over the age of 60, since the adoption of Article FCL.065 of the Regulation.

These same authorities are also expected to work together without delay to ensure that pilots who have been the victims of this unlawful discrimination are compensated quickly and without unnecessary complication for the damage they have suffered as a result, not only in Switzerland but also in Europe.

Otherwise, it will be up to the pilots concerned to take legal action to assert their rights.

* * * * * * *