



UAP Coalition
The Netherlands

Feedback on Draft Commission Delegated Regulation on the Board of Appeal of EASA

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Summary

UAP Coalition Netherlands supports the European Commission's initiative to modernize the appeal process of the European Union Aviation Safety Agency (EASA). This submission provides constructive feedback to enhance the draft delegated regulation's alignment with key principles of good governance, including transparency, independence, and stakeholder accountability.

Our core recommendations are:

- Publish anonymous Board of Appeal decisions and introduce an annual public report.
- Define appointment and dismissal procedures, and adopt a code of ethics for Board members.
- Introduce a regular review mechanism for the Annex to maintain technical relevance.
- Allow for stakeholder feedback on appeal proceedings.
- **Ensure procedural and technical readiness for future appeals involving emerging aviation technologies—including Unidentified Anomalous Phenomena (UAP)—to enhance flight safety and align with international developments.**

Given growing international attention and policy action on UAP in aviation contexts, the EU should not fall behind in addressing related safety and reporting needs.

A comparative analysis of Regulation (EC) No 104/2004 and the draft regulation is included in Annex I.



What is UAP Coalition Netherlands?

UAP Coalition Netherlands¹ is an independent non profit NGO that represents the interests of professionals within aviation, armed forces and law enforcement who observe(d) Unidentified Anomalous Phenomena. We promote support, research, awareness, cooperation and regulations regarding UAP.

What are Unidentified Anomalous Phenomena?

Unidentified Anomalous Phenomena (UAP) is anything in space and air, on land, and in the sea that cannot be identified. In the past, the term Unidentified Flying Object (UFO) was used but as improved sensor platforms started detecting more phenomena in other domains (in particular the sea), a new acronym and definition was adopted.

Why UAP Coalition Netherlands?

The Coalition was created out of necessity because professionals within aviation, armed forces and law enforcement do not feel safe and heard if they have experience with UAP.

In addition, due to technological developments, more UAP are observed and this requires a need for awareness, an improved EU reporting system and serious research, resulting in improved flight safety.

The positive developments of legislation and regulations in other countries show that the European Union cannot lag behind on the topic of UAP. UAPCNL wants to inform, advise and support the EU government and involved organizations in the EU about UAP.

¹ <https://uapcoalitienederland.nl/en>



UAP Are Real

As technological progress increases, observations are increasingly supported by a range of sensors and measuring instruments including radar, infrared, cameras and other sensor platforms. This is why it becomes more difficult to dismiss UAP observations as fiction.

France has an official government organization² (GEIPAN) that collects, analyzes, and reports on UAP. It operates under the French Space Agency³ (CNES) and focuses exclusively on cases within France.

(Former) United States Presidents such as Barack Obama, Donald Trump and other prominent figures have publicly spoken about UAP. In various interviews⁴ they confirm the existence of objects that cannot be explained and that these are observed in American airspace and around the globe.

In 2022 the United States Pentagon created a department (AARO⁵) where government personnel can report their UAP sightings. So far over 1800 cases⁶ have been filed and AARO releases a report⁷ every year on their findings. Several dozen cases remain anomalous even after rigorous analysis of evidence.

Since 2022 the American Institute of Aeronautics and Astronautics has a special committee⁸ dedicated to improving aerospace safety by increasing scientific knowledge about UAP and reducing stigma and barriers to the study of UAP.

On September 14, 2023, the NASA Unidentified Anomalous Phenomena Independent Study Team published its final report⁹ with a series of recommendations on how the agency can advance their understanding of UAP. NASA promised to continue their research on UAP and appointed a special UAP Research Director. NASA states that it's crucial the stigma disappears and calls on professionals within aviation to report their UAP sightings.

² <https://www.cnes-geipan.fr/en>

³ <https://cnes.fr/en>

⁴ <https://youtu.be/xe4PecCSizk>

⁵ <https://www.aaro.mil/>

⁶

<https://abcnews.go.com/Politics/ufo-sleuths-fewer-secrets-trump-era-investigations/story?id=121811368>

⁷

<https://media.defense.gov/2024/Nov/14/2003583603/-1/-1/0/FY24-CONSOLIDATED-ANNUAL-REPORT-ON-UAP-508.PDF>

⁸ <https://aiaauap.org/>

⁹

<https://www.nasa.gov/news-release/update-nasa-shares-uap-independent-study-report-names-director/>



In October 2023 the U.S. Office of the Director of National Intelligence (ODNI) published their annual report¹⁰ on UAP. The conclusion is that UAP poses a danger to flight safety and national security.

On January 25, 2024, the U.S. Department of Defense Office of Inspector General released¹¹ a UAP report. The conclusion is *“We determined that the DoD has no overarching UAP policy and, as a result, it lacks assurance that national security and flight safety threats to the United States from UAP have been identified and mitigated”*.

In January 2024 United States Congress proposed¹² legislation which aims to standardize UAP reporting for civilian pilots, protect their identities, promote and implement reporting mechanisms and mandate FAA investigations as UAP are an aviation risk.

On March 15, 2024, it was announced¹³ that the American Joint Chiefs of Staff take the subject of UAP and (flight) safety very seriously and have drawn up a guideline that has been shared worldwide with all parts of the American armed forces.

On April 9, 2024, UAP was discussed¹⁴ in the House of Representatives of Japan. During the debate, the Japanese Minister of Defense agreed that it is necessary for airspace security and flight safety to seriously investigate UAP.

In June 2025 the Canadian government presented its key findings in a report¹⁵ and proposed various actions in order to improve coordination and analysis of UAP reports, promote public trust and mitigate disinformation and enhance scientific rigour and science literature surrounding UAP.

¹⁰

<https://www.dni.gov/index.php/newsroom/press-releases/press-releases-2023/3668-odni-releases-annual-report-on-unidentified-aerial-phenomena>

¹¹

<https://www.dodig.mil/In-the-Spotlight/Article/3656428/press-release-evaluation-of-the-dods-actions-regarding-unidentified-anomalous-p/>

¹²

https://robertgarcia.house.gov/sites/evo-subsites/robertgarcia.house.gov/files/evo-media-document/garcro_065_xml.pdf

¹³ <https://uapregister.substack.com/p/defense-document-reveals-concern>

¹⁴ <https://sentinelnews.substack.com/p/japanese-minister-of-defense-says>

¹⁵

<https://science.gc.ca/site/science/en/office-chief-science-advisor/sky-canada-project/management-public-reporting-unidentified-aerial-phenomena-canada>



A **special note** which must be mentioned is that China¹⁶ and Russia¹⁷ both take the UAP topic very seriously and consider UAP a security threat and flight safety risk. For example China uses artificial intelligence to conduct research into UAP.

UAP are also observed in the airspace of the European Union by professionals who are (or have been) active in aviation, the armed forces and law enforcement. On the YouTube channel¹⁸ of UAP Coalition Netherlands you will find a selection of UAP incidents and testimonies.

Stakeholder Perspective and Contribution

UAP Coalition Netherlands (UAPCNL) welcomes the opportunity to provide feedback on the above-mentioned draft delegated regulation, which sets out rules on the organisation and composition of the Board of Appeal of the European Union Aviation Safety Agency (EASA).

We support the intention to modernize and strengthen the legal framework for appeals, in line with recent regulatory developments such as Regulation (EU) 2023/2405 (ReFuelEU Aviation). However, in the spirit of good governance, stakeholder accountability, and transparency, we respectfully submit the following comments and recommendations.

Transparency and Accessibility of Appeal Outcomes

We recommend the inclusion of a provision requiring that decisions of the Board of Appeal be made publicly available in anonymized form, in order to:

- Foster consistency in regulatory interpretation.
- Promote transparency and public trust in the appeals process.
- Support legal certainty for operators and stakeholders.

Additionally, we recommend that the Board publish an annual public activity report, summarizing:

- Number and types of appeals received.
- Average processing times.
- Key legal or procedural findings.

¹⁶

<https://www.scmp.com/news/china/science/article/3136078/china-military-uses-ai-track-rapidly-increasing-ufos>

¹⁷ <https://tass.com/russia/1463895>

¹⁸ <https://www.youtube.com/@UAPCoalitieNL/playlists>



Clarity on Appointment and Independence of Members

While the draft establishes qualifications for Board members and alternates, it remains unclear how these individuals will be appointed, by whom, and under what oversight.

We recommend:

- Clear procedures for nomination, appointment, and dismissal, with safeguards for independence and transparency.
- Introduction of a code of ethics or conflict-of-interest policy to ensure impartiality in decision-making.

Scope of Expertise and Annex Review Mechanism

We welcome the significantly expanded Annex that broadens the technical and environmental disciplines relevant to EASA's evolving mandate. This now includes areas such as Unmanned Aircraft Systems, Vertical Take-Off and Landing (VTOL) aircraft, sustainable aviation fuels (SAF), and ESG reporting.

To maintain regulatory relevance and technical adequacy:

- A periodic review mechanism (e.g. every 3 years) should be introduced for the Annex.
- Cases involving multidisciplinary or emerging technologies should be matched to appropriately qualified alternates or supplementary members.

Stakeholder Feedback and Procedural Safeguards

We propose the creation of a light-touch stakeholder feedback mechanism (e.g. post-case surveys or open comment windows), allowing affected parties to suggest improvements to procedures or flag systemic concerns. In addition:

- Parties to an appeal should be informed in writing of any changes to the composition of the Board during a case, including the justification when alternate members are appointed.



Recognition of Emerging Technologies and Unidentified Anomalous Phenomena

As an organization engaged in advancing policy dialogues around Unidentified Anomalous Phenomena (UAP) in relation to aviation safety, we encourage the Commission and EASA to:

- Include relevant expertise and procedural readiness for cases involving Unidentified Anomalous Phenomena (UAP) as part of EASA's evolving scope, especially in the context of aviation reporting systems.

Reference to Annex

A detailed comparison of the current and proposed regulatory frameworks, including evaluation against good governance principles, is provided in Annex I - Comparison Table: Regulation (EC) No 104/2004 vs Draft Commission Delegated Regulation (EU) .../2025

Conclusion

We commend the European Commission for taking steps toward a more modern and robust appeal system within EASA. We believe the above recommendations will help align the regulation with the highest standards of transparency, accountability, and technical excellence.

We remain at your disposal for further discussion or participation in follow-up consultations.

Document credits

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Annex I – Comparison Table: Regulation (EC) No 104/2004 vs Draft Commission Delegated Regulation (EU) .../2025

Purpose

This annex provides a structured comparison of the original **Commission Regulation (EC) No 104/2004** and the proposed **Commission Delegated Regulation (EU) .../2025**, focusing on elements relevant to **good governance**, such as transparency, accountability, independence, stakeholder engagement, and technical adequacy.

Topic	Regulation (EC) No 104/2004	Draft Regulation (EU) .../2025	Good Governance Evaluation / Recommendation
Legal Basis	Based on Regulation (EC) No 1592/2002	Based on Regulation (EU) 2018/1139 and 2023/2405	✅ Updated and aligned with expanded EASA mandate.
Board Composition	1 legally qualified Chair + 2 technical members + alternates	Same structure, plus ability to add 2 additional alternates in complex cases	✅ Greater flexibility and capacity to respond to complex appeals.
Annex – Technical Disciplines	Narrow scope; excludes ATM/ANS, ESG, UAS	Expanded to include VTOL, SAF, carbon offsetting, ATM/ANS, UAS, ESG	✅ Strong improvement. Recommend regular update mechanism .
Appointment of Members	Vague; no procedure or oversight specified	Still lacks detail on who appoints, for how long, under what conditions	⚠️ Recommend codifying transparent appointment/dismissal rules .
Conflict of Interest / Ethics	Not addressed	Still absent	❌ Recommend adding ethics rules , recusal process, declaration of interests.



Topic	Regulation (EC) No 104/2004	Draft Regulation (EU) .../2025	Good Governance Evaluation / Recommendation
Publication of Decisions	Not required	Not included	✗ Recommend publishing anonymized decisions to promote consistency and accountability.
Annual Reporting	No requirement	Not included	✗ Recommend introducing annual public reporting on case volume and themes.
Stakeholder Feedback Mechanism	Absent	Still absent	✗ Recommend light-touch feedback or evaluation channel (e.g. surveys post-proceeding).
Chairperson's Powers	Assigns rapporteur, ensures quality	Can also replace members based on expertise	✓ Improved functionality; ensure transparent justification for replacements.
Rapporteur Role	Basic outline of tasks	Expanded and clarified (e.g. sets deadlines, drafts decisions)	✓ Positive refinement; improves procedural efficiency.
Registry Support	Basic role description	Maintains support function, with clarified duties	✓ Maintains administrative neutrality and efficiency.
Voting Procedure	By majority; Chair has tie-breaking vote	Same rule maintained	⚖️ No change needed. Stable decision-making mechanism.



Topic	Regulation (EC) No 104/2004	Draft Regulation (EU) .../2025	Good Governance Evaluation / Recommendation
Review Clause	None	None	✗ Recommend adding periodic independent review or audit (e.g. every 5 years).

Conclusion

The draft regulation makes substantial improvements, particularly in expanding technical competence and case-handling flexibility. However, to align fully with the **principles of good governance**, several key gaps should be addressed, including transparency of decisions, stakeholder engagement, ethical safeguards, and formal appointment rules.

These recommendations are submitted in support of a more accountable, transparent, and resilient appeals process within the framework of European civil aviation safety governance.