

UK safety regulation after Brexit

NAA information
pack

May 2019

Introduction

- The United Kingdom is scheduled to leave the European Union by October 31, 2019. The exit date may be earlier if a withdrawal agreement between the UK and EU is ratified.
- The preference of the UK Government and the CAA is that the UK remains part of the EASA aviation safety system, but this would not happen if the UK leaves without a ratified withdrawal agreement.
- This document outlines for NAAs and other international audiences what the UK Government and the CAA would do if the UK is outside EASA to maximise continuity and stability for the aviation and aerospace sector. It also gives the EU's current position on a number of issues.
- The CAA is well advanced in preparing contingency plans to act as the UK's independent regulator after exit from the EU. These plans have been shared fully with ICAO.
- We encourage each State, business or individual that might be affected by such changes to consider and make decisions for themselves on the implications of this scenario and plan accordingly.

What will happen if the UK leaves the EASA system?



- We are committed to maximising continuity and stability for consumers and the UK's aviation and aerospace industries. **UK aviation will be as safe after we leave the EU as before.**
- We would recognise EASA certificates, approvals and licences for use in the UK aviation system and on UK-registered aircraft for up to two years after the exit date.
- The EU has indicated that EASA would ensure continued validity of certain UK-issued type certificates and organisation approvals for a limited period.

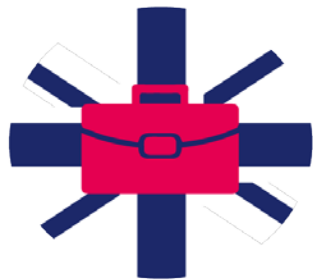
What would the regulatory framework look like?

- All EU regulations applicable at the point of UK's exit from the EU **would be retained** in UK law.
- The EU Withdrawal Act, passed by the UK Parliament, will ensure that the applicable regulations are the **same as those today**.
- The UK has finalised secondary legislation to ensure that the applicable regulations are amended so that they make sense when they are outside of the EU jurisdiction. This secondary legislation is in place, except for items not in force and effective at March 28, 2019.
- Amendments to EU regulations are being prepared to deal with deficiencies on exit (eg removing EU Commission enforcement powers, correcting references to EASA etc.)

Impact on aerospace design organisations



EASA currently directly approves organisations that design aircraft and aircraft components.



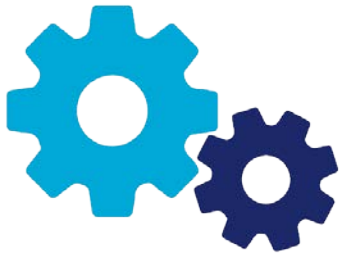
The CAA would recognise the validity of existing UK companies with design approvals issued by EASA prior to the exit date. The UK CAA would continue to recognise EU member state design organisations for up to two years after the exit date.

Impact on producers of aircraft components and parts



Approvals are required for organisations who produce aircraft components.

The UK would recognise the validity of existing approvals held by UK- and EU-registered businesses for components produced for UK- registered aircraft, including those already fitted, those manufactured but not yet fitted and those manufactured in the future.

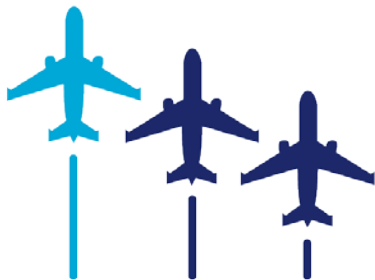


The CAA is **re-establishing its aircraft design certification capability** to fulfil its ICAO Annex 8 State of Design obligations so we can issue new approvals from the day after the exit date.

New bilateral safety arrangements



Department
for Transport



- The CAA and DfT have worked with the USA, Canada, Brazil and Japan to ensure replacement Bilateral Aviation Safety Agreements would be in place post-Brexit.
- These arrangements facilitate the **recognition of each others' safety certificates**, and support both international trade and airline operations.
- Similar agreements are not necessarily needed with other countries: membership of the global aviation regulator ICAO provides a degree of confidence in respective safety regimes. In some cases we will agree specific working arrangements with individual states.

Bilateral arrangements – Design, Production and Maintenance

- The CAA is **re-establishing its aircraft design certification capability** to fulfil its ICAO Annex 8 State of Design obligations.
- This will support the import/export and operation of aircraft manufactured in the UK and Third Countries. Work to re-establish this capability is at an advanced stage.
- For Maintenance (Repair Station) Approvals, implementation procedures are being established. To aid implementation the **UK intends to recognise EASA approvals issued to repair stations for up to two years** after the exit date.
- New Maintenance Implementation Procedures (MIPs) have been developed **to replicate existing EU arrangements**.
- There are no significant changes to working procedures as the UK is already the Competent Authority under Annex 8.

Airworthiness – Changes for Contracting States

- The UK will fulfil all its obligations as an ICAO Contracting State and the CAA will fulfil its responsibilities as a State of Design and manufacture for UK products.
- Organisations in the UK holding approvals issued in accordance with EU regulations will continue to have those approvals recognised in the UK for up to two years after the exit date.
- CAA-approved organisations will **no longer be able to issue an EASA Form 1** for new and used parts. It will be **replaced with the CAA Form 1**. This will have near identical content and lay-out.
- The **UK regulations will be unchanged from EU regulations at the exit date**. The level of oversight provided by the CAA will be unchanged.
- Services and certificates provided by CAA-approved organisations should continue to be accepted on a global basis as the **regulations, systems, oversight and approvals will continue to comply with ICAO Standards and Recommended Practices (SARPs)**.
- There may be a need to develop working arrangements with some States to ensure proper exchange of information for products where the UK is the State of Design.

CAA Form 1 (Legally valid from the exit date)



1. Approving Competent Authority / Country CAA UK		2. AUTHORISED RELEASE CERTIFICATE CAA FORM 1			3. Form Tracking Number
4. Organisation Name and Address					5. Work Order/Contract/Invoice
6. Item	7. Description	8. Part No.	9. Qty.	10. Serial No.	11. Status/Work
12. Remarks					
13a. Certifies that the items identified above were manufactured in conformity to: - <input type="checkbox"/> approved design data and are in a condition for safe operation <input type="checkbox"/> non-approved design data specified in block 12			14a. <input type="checkbox"/> Part 145.A.50 Release to Service <input type="checkbox"/> Other regulation specified in block 12 Certifies that unless otherwise specified in block 12, the work identified in block 11 and described in block 12, was accomplished in accordance with Part 145 and in respect to that work the items are considered ready for release to service.		
13b. Authorised Signature		13c. Approval/Authorisation Number	14b. Authorised Signature		14c. Certificate/Approval Ref. No
13d. Name		13e. Date (dd mmm yyyy)	14d. Name		14e. Date (dd mmm yyyy)
<p>USER/INSTALLER RESPONSIBILITIES This certificate does not automatically constitute authority to install the item(s).</p> <p>Where the user/installer performs work in accordance with regulations of an airworthiness authority different than the airworthiness authority specified in block 1, it is essential that the user/installer ensures that his/her airworthiness authority accepts items from the airworthiness authority specified in block 1.</p> <p>Statements in blocks 13a and 14a do not constitute installation certification. In all cases aircraft maintenance records must contain an installation certification issued in accordance with the national regulations by the user/installer before the aircraft may be flown.</p>					

State of Design

The current suite of EASA requirements and Certification Standards would be transposed into UK regulation. The UK CAA would:

- Ensure design aspects of the aircraft type, products and components comply with the Standards in ICAO Annex 8.
- Issue TCs (Type Certificates).
- Approve AFMs (Aircraft Flight Manuals), MMELs (Master Minimum Equipment Lists), CDLs (Configuration Deviation Lists).
- Approve changes to the Type Certificate.
- Approve Design Organisation approvals.
- Transmit any ICA (Instructions for Continued Airworthiness) and MCAI (Mandatory Continuing Airworthiness Information), including issue of Airworthiness Directives, necessary for the safe operation of the aircraft (including suspension and revocation of TCs).
- Address the information received from State of Registry on faults, malfunctions, defects and other occurrences.


Licensing – Commercial Pilots

- Because the UK is a Signatory State to the Chicago Convention, **UK Part-FCL licences would continue to be valid for the operation of UK-registered aircraft.**
- The CAA would provide a document to all UK Part-FCL holders to confirm the legal validity of their licences should they be subject to a ramp inspection.
- **Pilots with UK licences who want to fly EU-registered aircraft** post-Brexit would need to transfer their licence to another EASA member state, or seek a second licence after the exit date from an EASA member state.
- **Pilots with EASA-issued licences required to operate UK-registered aircraft** would require a UK validation, which will be available to pilots on the exit date.
- **Pilots with Third Country licences** validated by the UK would be able to operate UK-registered aircraft. They would need to seek validation from an EASA member state to operate EU-registered aircraft. Pilots with Third Country licences validated by an EASA member state would lose validation for UK-registered aircraft on the exit date.

Flight Crew Licence format

Current EASA format

United Kingdom Civil Aviation Authority



EUROPEAN UNION


FLIGHT CREW LICENCE

Issued in accordance with Part-FCL

This licence complies with ICAO standards, except for the LAPL and EIR privileges

New UK format

United Kingdom Civil Aviation Authority



FLIGHT CREW LICENCE

Issued in accordance with Part-FCL

This licence complies with ICAO standards, except for the LAPL and EIR privileges

The main differences between the current licence and the New UK licence relate to the removal of:

‘EUROPEAN UNION’.

The form number now starts with:

‘CAA’,

the issue number reverting to 1,

as this will be the first issued under new UK legislation.

Licensed engineers

- Engineers with **UK Part-66 licences** would be able to continue to maintain UK-registered aircraft, but not EU-registered aircraft (unless the EU changes its current position).
- Engineers with UK Part-66 licences **who work outside the UK and Europe on non-UK registered aircraft** would need to contact the National Aviation Authority in the state of registration of the aircraft they service.
- Engineers **with licences issued by EASA member states** would be allowed to work on UK-registered aircraft for up to two years after the exit date.

Flight Operations

- **PAVEs** - All Flight Operations permissions, approvals, variations and exemptions (PAVEs) issued prior to withdrawing from the EU would continue to be recognised by the UK within the scope and terms of their issue.
- **Cargo and Mail security** - Supply chain entities approved in the UK as Known Consignors or Regulated Agents would continue to be recognised in the UK.
- The UK would continue to recognise existing ACC3 designations and the validated secure supply chains for the purposes of inbound cargo to the UK.

Approved Training Organisations

- **Existing training organisation approvals and/or declarations would remain valid under UK law.** Registered Training Facilities would still be required to either transfer to an Approved or Declared Training Organisation by the exit date.
- Where the CAA is to be the Competent Authority, any training courses for theoretical knowledge or flight training for the issue of a pilot's licence, rating or certificate conducted at an approved or declared training organisation issued by a Competent Authority other than the CAA, would be accepted by the CAA for up to two years after exit day.
- **Maintenance training organisations with non-UK Part 147 approvals** would continue to have their approvals accepted for up to two years.

Summary

- We are committed to **maximising continuity and stability for consumers and businesses.**
- All EU regulations applicable at the point of UK's exit from the EU would be retained in UK domestic legislation. The content of **UK regulations will be unchanged from EU regulations at the exit date** and the CAA will continue to conduct oversight.
- We would recognise EASA certificates, approvals and licences for use in the UK aviation system and on UK-registered aircraft for up to two years after the exit date.
- Services and certificates provided by CAA-approved organisations should continue to be accepted on a global basis as the **regulations, systems, oversight and approvals will continue to comply with ICAO Standards and Recommended Practices (SARPs).**
- CAA-approved organisations will issue a CAA Form 1 for new and used parts. This will be in place of the EASA Form 1 and be nearly identical in content and lay-out.

Further information

CAA EU Exit Website <https://info.caa.co.uk/eu-exit>

UK Department for Transport Guidance – Aviation Safety if there is no Brexit deal

<https://www.gov.uk/government/publications/aviation-safety-if-theres-no-brexite-deal/aviation-safety-if-theres-no-brexite-deal>

The EU Withdrawal Act <http://www.legislation.gov.uk/ukpga/2018/16/contents/enacted>

The Aviation Safety Statutory Instrument <http://www.legislation.gov.uk/ukdsi/2019/9780111175101/content>

EASA Brexit Website <https://www.easa.europa.eu/brexit>

European Commission notices

<https://ec.europa.eu/transport/sites/transport/files/legislation/brexit-notice-to-stakeholders-aviation-safety.pdf> (April 2018)

http://europa.eu/rapid/press-release_IP-18-6403_en.htm (November 2018)

Commission ‘bare bones’ proposal in the event of ‘no deal’ - https://ec.europa.eu/info/publications/communication-preparing-withdrawal-united-kingdom-european-union-30-march-2019-contingency-action-plan-13-11-2018_en

Commission notice to stakeholders on the above (January 2019) -

<https://ec.europa.eu/transport/sites/transport/files/legislation/brexit-notice-to-stakeholders-air-transport.pdf>