



Brussels, 13 April 2018

## NOTICE TO STAKEHOLDERS

### WITHDRAWAL OF THE UNITED KINGDOM AND EU AVIATION SAFETY RULES

The United Kingdom submitted on 29 March 2017 the notification of its intention to withdraw from the Union pursuant to Article 50 of the Treaty on European Union. This means that, unless a ratified withdrawal agreement<sup>1</sup> establishes another date, all Union primary and secondary law will cease to apply to the United Kingdom from 30 March 2019, 00:00h (CET) ('the withdrawal date').<sup>2</sup> The United Kingdom will then become a 'third country'.<sup>3</sup>

Preparing for the withdrawal is not just a matter for EU and national authorities but also for private parties.

In view of the considerable uncertainties, in particular concerning the content of a possible withdrawal agreement, all stakeholders are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.<sup>4</sup>

Subject to any transitional arrangement that may be contained in a possible withdrawal agreement, as of the withdrawal date, the EU rules in the field of civil aviation safety will no longer apply to the United Kingdom. This has, in particular, the following consequences in the different areas of civil aviation safety:

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<sup>1</sup> Negotiations are ongoing with the United Kingdom with a view to reaching a withdrawal agreement

<sup>2</sup> Furthermore, in accordance with Article 50(3) of the Treaty on European Union, the European Council, in agreement with the United Kingdom, may unanimously decide that the Treaties cease to apply at a later date.

<sup>3</sup> A third country is a country not member of the EU.

<sup>4</sup> For goods placed on the EU market *before* the withdrawal date, the EU is seeking to agree solutions with the United Kingdom in the withdrawal agreement. The essential principles of the EU's position on goods placed on the market under Union law before the withdrawal date are available here: [https://ec.europa.eu/commission/publications/position-paper-goods-placed-market-under-union-law-withdrawal-date\\_en](https://ec.europa.eu/commission/publications/position-paper-goods-placed-market-under-union-law-withdrawal-date_en). Please note that the essential principles of the EU's position on goods build on one single definition of "placing on the market" ("first making available on the market").

## 1. CERTIFICATES<sup>5</sup> ISSUED BY THE EUROPEAN AVIATION SAFETY AGENCY TO HOLDERS LOCATED IN THE UNITED KINGDOM

In accordance with Article 20 of the Basic Regulation<sup>6</sup>, the European Aviation Safety Agency (EASA) carries out the functions and tasks of the state of design on behalf of Member States with regard to the type certificates for products<sup>7</sup>, certificates for parts and appliances, and certificates for design organisations. Such certificates issued by EASA to persons and organisations located in the United Kingdom will therefore no longer be valid in the EU as of the withdrawal date. The products, parts and appliances concerned will no longer be considered as certified in accordance with Article 5 of the Basic Regulation.

## 2. CERTIFICATES ISSUED BY THE COMPETENT AUTHORITIES OF THE UNITED KINGDOM

Certificates issued before the withdrawal date **by the competent authorities of the United Kingdom** on the basis of the provisions of the Basic Regulation and its implementing rules will no longer be valid as of the withdrawal date in the EU. This concerns in particular:

- Certificates of airworthiness, restricted certificates of airworthiness, permits to fly, approvals of organisations responsible for the maintenance of products, parts and appliances, approvals for organisations responsible for the manufacture of products, parts and appliances, approvals for maintenance training organisations, and certificates for personnel responsible for the release of a product, part or appliance after maintenance, issued pursuant to Article 5 of the Basic Regulation;
- Pilot licences, pilot medical certificates, certificates for pilot training organisations, certificates for aero-medical centres, certificates for flight simulation training devices, certificates for persons responsible for providing flight training, flight simulation training or assessing pilots' skill, and certificates for aero medical examiners, issued pursuant to Article 7 of the Basic Regulation;
- Certificates for air operators and attestations for the cabin crew, issued pursuant to Article 8 of the Basic Regulation;
- Certificates for aerodromes, certificates for ATM/ANS providers, licences and medical certificates for air traffic controllers, certificates for air traffic controller training organisations, certificates for aero medical centres and aero medical examiners responsible for air traffic controllers, certificates for persons

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<sup>5</sup> According to Article 3(g) of the Basic Regulation, "certificate" shall mean any approval, licence or other document issued as a result of certification.

<sup>6</sup> Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, OJ L 79, 19.3.2008, p. 1.

<sup>7</sup> According to Article 3(c) of the Basic Regulation, "product" shall mean an aircraft, engine or propeller.

responsible for providing practical training or assessing the skills of air traffic controllers, issued pursuant to Articles 8a, 8b and 8c of the Basic Regulation.

### **3. CERTIFICATES ISSUED BY THE LEGAL AND NATURAL PERSONS CERTIFIED BY THE COMPETENT AUTHORITIES OF THE UNITED KINGDOM**

Certificates confirming compliance with the provisions of the Basic Regulation and its implementing rules issued before the withdrawal date by the legal and natural persons **certified by the competent authorities of the United Kingdom** on the basis of the Basic Regulation and its implementing rules will no longer be valid as of the withdrawal date, unless such a certificate concerns a part or appliance<sup>8</sup> which was installed prior to the withdrawal date and in compliance with the applicable EU airworthiness requirements, in an aircraft covered by a valid certificate of airworthiness issued prior to the withdrawal date by an EU-27 national authority on the basis of Article 5(2)(c) of the Basic Regulation.

### **4. AIRCRAFT OPERATORS FROM THE UNITED KINGDOM**

As of the withdrawal date, aircraft operators from the United Kingdom will be considered as ‘third country’ operators within the meaning of Article 4(1)(d) of the Basic Regulation and other EU legislation on aviation safety. This means that a safety authorisation from the EASA will be required in accordance with Articles 9 and 23 of the Basic Regulation.

### **5. AIRCRAFT REGISTERED IN THE UNITED KINGDOM**

As of the withdrawal date aircraft registered in the United Kingdom will be considered as ‘third country’ registered aircraft within the meaning of Article 4(1)(b),(c) and (d) of the Basic Regulation and other EU legislation on aviation safety.

This means that EU aircraft operators using such aircraft will need to comply with the provisions of the Basic Regulation and its implementing rules, as well as relevant provisions stemming from Regulation (EC) No 1008/2008 on air services<sup>9</sup> concerning the use of ‘third country’ registered aircraft. In particular, EU-27 air carriers intending to wet lease aircraft registered in the United Kingdom will be bound by the corresponding provisions relating to such aircraft. As regards safety, they will thus have to demonstrate that safety standards equivalent to those imposed by Union or national law are met.

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<sup>8</sup> This does not concern products as defined in Article 3(c) of the Basic Regulation (see above, footnote 7).

<sup>9</sup> 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, OJ L 293, 31.10.2008, p. 3.

In case persons, including aviation personnel<sup>10</sup>, as well as organisations located in the United Kingdom, holding certificates as referred to in points 1, 2 or 3 above which cease to be valid as of the withdrawal date, would like to continue their activities in the EU as of that date, they would need to ensure, as of that date, compliance with certification requirements according to the EU legislation on aviation safety.

In respect of products, parts and appliances certified before the withdrawal date and put in use in the EU before the withdrawal date and/or relevant organisations or persons requiring certification, the Commission is considering whether any steps are needed to facilitate continued compliance with EU law, including through additional guidance.

The websites of the Commission on air transport, including aviation safety ([https://ec.europa.eu/transport/modes/air\\_en](https://ec.europa.eu/transport/modes/air_en)) and of EASA (<https://www.easa.europa.eu/>) provide general information. These pages will be updated with further information, where necessary.

European Commission  
Directorate-General for Mobility and Transport

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<sup>10</sup> E.g. pilots, cabin crew, instructors, assessors, examiners.