



Brussels, 18 January 2019
REV1 – replaces the Notice to
stakeholders dated 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 as from 30 March 2019, 00:00h (CET) ('the withdrawal date')¹ the United Kingdom will be a 'third country'.²

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

In view of the uncertainties surrounding the ratification of the Withdrawal Agreement, all interested parties, and especially economic operators, are reminded of legal repercussions, which need to be considered when the United Kingdom becomes a third country.

Subject to the transition period provided for in the draft Withdrawal Agreement,³ 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:

¹ 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.

² A third country is a country not member of the EU.

³ Cf. Part four of the draft *Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community*, as agreed at negotiator's level on 14 November 2018 (https://ec.europa.eu/commission/publications/draft-agreement-withdrawal-uk-eu-agreed-negotiators-level-14-november-2018-including-text-article-132_en).

1. CERTIFICATES⁴ ISSUED BY THE EUROPEAN AVIATION SAFETY AGENCY TO HOLDERS LOCATED IN THE UNITED KINGDOM

In accordance with Article 77 of the Basic Regulation⁵, 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 products⁶, 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 Chapter III, Section I, of the Basic Regulation.⁷

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** by virtue of the Basic Regulation and any relevant implementing or delegated acts 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 Section I of Chapter III 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

⁴ According to Article 3(12) of the Basic Regulation, "certificate" means any approval, licence or other document issued as a result of certification attesting compliance with the applicable requirements.

⁵ Regulation (EU) No 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, OJ L 212, 22.8.2018, p. 1.

This Regulation was preceded by 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, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC (OJ L 79, 19.3.2008, p. 1). References in this document to the Basic Regulation must be understood as including the latter Regulation, insofar as it concerns periods prior to 11 September 2018.

⁶ According to Article 3(3) of the Basic Regulation, "product" shall mean an aircraft, engine or propeller.

⁷ Stakeholders are informed that the Commission has proposed, on 19 December 2018, a time-limited extension of the validity of certain certificates, in order to allow for obtaining a certificate from the Civil Aviation Authority of the United Kingdom, insofar as the latter will have become the "State of design" as of the withdrawal date (see, for more information, https://ec.europa.eu/info/brexit/brexit-preparedness/legislative-initiatives-and-other-legal-acts_en).

flight training, flight simulation training or assessing pilots' skill, and certificates for aero medical examiners, issued pursuant to Section II of Chapter III of the Basic Regulation;

- Certificates for air operators and attestations for the cabin crew, issued pursuant to Articles 30 and 22 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 responsible for providing practical training or assessing the skills of air traffic controllers, issued pursuant to Sections IV to VI of Chapter III of the Basic Regulation.

Stakeholders are reminded that EASA has started to process applications for certain Third Country approvals from existing UK approval holders. This concerns the following certificates and approvals:⁸

- **Production Organisation Approval - POA (EASA Form 55)**
- **Letters of agreement for production without a POA (EASA Form 65)**
- **Maintenance Organisation Approvals - MOA (EASA Form 3 & Form 3MF)**
- **Maintenance Training Organisation Approvals - MTOA (EASA Form 11)**
- **Continuing Airworthiness Maintenance Organisation - CAMO approvals (EASA Form 14)**
- **Flight Simulator Training Devices - FSTD (EASA Form 145)**
- **Approved Training Organisations - ATO (EASA Form 143)**
- **Aero-Medical Centres - AeMC certificates (EASA Form 146)**

In addition, stakeholders are informed that EASA is starting to process applications by UK aircraft operators for an authorisation as third country aircraft operators.⁹

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 any relevant implementing or delegated acts 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 those acts will no longer be valid

⁸ <https://www.easa.europa.eu/brexit>

⁹ <https://www.easa.europa.eu/brexit>

as of the withdrawal date, unless such a certificate concerns a part or appliance¹⁰ 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 14 of the Basic Regulation.¹¹

4. AIRCRAFT OPERATORS FROM THE UNITED KINGDOM

As of the withdrawal date, aircraft operators from the United Kingdom will be considered as ‘third country aircraft operators’ within the meaning of Article 2(1)(c) 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 60 and 82(1) of the Basic Regulation.

Stakeholders are informed that EASA is starting to process applications for third country aircraft operators.¹²

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 2(1) 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 any relevant implementing and delegated acts, as well as relevant provisions stemming from Regulation (EC) No 1008/2008 on air services¹³ 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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In case persons, including aviation personnel¹⁴, as well as organisations located in the United Kingdom, holding certificates referred to in points 1, 2 or 3 above which cease to

¹⁰ This does not concern products as defined in Article 3(3) of the Basic Regulation (see above, footnote 6).

¹¹ Stakeholders are informed that the Commission has proposed, on 19 December 2018, a measure allowing for the continued use for products, parts and appliances certified, before the withdrawal date, by the legal and natural persons certified by the Civil Aviation Authority of the United Kingdom (see, for more information, https://ec.europa.eu/info/brexit/brexit-preparedness/legislative-initiatives-and-other-legal-acts_en).

¹² <https://www.easa.europa.eu/brexit>

¹³ 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.

¹⁴ E.g. pilots, cabin crew, instructors, assessors, examiners.

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) 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