



Brexit Preparedness seminar on transport

Council Working Party
(Article 50 Format)
29/11/2018

Aviation - Key sectoral aspects to consider

- Market Access
- Safety
- Security

Aviation – Market Access (1)

- Issue
 - Loss of traffic rights, no WTO fall-back
- Already done (at EU level):
 - Publication of a notice on air transport by the Commission
 - Exchanges with national authorities and stakeholders
 - Technical expert seminar (EU 27) of 12 June with Member States

Additional action being prepared:

- Commission to propose a Regulation to ensure basic connectivity for EU-UK flights on the basis of reciprocity

Aviation – Market Access (2)

- Issue
 - Third country restrictions on ownership and control of EU airlines kick-in
- What needs to be done by national authorities:
 - Monitor compliance with and enforce EU law on ownership and control
 - Pro-active engagement with stakeholders/citizens
- What needs to be done by stakeholders
 - EU air carriers to ensure compliance with EU ownership and control requirement
 - Second Communication on Brexit Preparedness, 13 November 2018:
"It is essential for companies that wish to be recognised as EU air carriers to take all the necessary measures to ensure that they meet this requirement on 30 March 2019."

Aviation – Safety (1)

- Issue
 - UK no longer subject to EU's Aviation Safety System (including EASA):
 - End of mutual recognition of safety certificates and approvals
 - UK retakes role as "State of Design"
- What is being done at EU level:
 - Publication of a notice on aviation safety by the Commission
 - Exchanges with national authorities and stakeholders e.g.: 12 June technical expert seminar (EU27)
 - EASA early processing of third country applications from UK certified organisation

Aviation – Safety (2)

- **What is being done by national authorities:**
 - Awareness activities
 - Processing requests for transfers of certificates from the UK to the EU27
- **Stakeholders:**
 - Preparedness actions under EU law and early applications to EASA
- **What needs to be done? Additional EU-wide contingency measures:**
 - Commission will propose a Regulation for continued validity of type certificates & organisation approvals (limited period of time, reciprocity) and for UK-certified parts and appliances placed on EU market before the withdrawal date

Aviation – Security (1)

- **Issue:**
 - Passengers with cabin luggage flying from the United Kingdom and transiting via EU27 airport no longer exempted from a second security screening
- **What is being done at EU level**
 - Publication of a notice covering aviation security by the Commission
 - Exchanges with national authorities
 - Aviation Security Regulatory Committee
 - 12 June and 27 September technical expert seminars (EU27)

Aviation – Security (2)

- What needs to be done? Additional EU-wide contingency measures regarding:
 - Commission will adopt an implementing act to list the UK for the One Stop Security system
 - Air Cargo or Mail Carrier operating into the European Union from a Third Country Airport (ACC3):
 - Reattribution of UK-issued designations for air carriers carrying cargo from a third country airport to the EU27
 - Cargo to be included in the OSS system -> designation of air carriers carrying cargo from the UK to the EU27 will not be needed

Aviation - Background and reference information

- Brexit preparedness notices:
 - [Consumer Protection and Passenger Rights](#) - 27/02/2018
 - [Air Transport](#) – 19/01/2018
 - [Aviation safety rules](#) – 13/04/2018
 - [Aviation Security and Maritime Security](#) - 5/07/2018 (updated on 23/10/2018)
 - [Industrial products](#) - 22/01/2018
 - [Travelling](#) - 13/11/2018
- Commission Communications:
 - [Preparing for the withdrawal of the UK from the EU](#) – 19/07/2018
 - [A Contingency Action Plan](#) – 13/11/2018
- Technical seminars:
 - *On aviation* – 12/06/2018
 - *On aviation security* – 27/09/2018

Road transport – Key sectoral issues

- Market access
 - Freight transport (trucks > 3.5 tonnes)
 - Passenger transport (buses and coaches)
- Recognition of licences, certificates etc.
 - Driver-related:
 - Driving licence
 - Certificate of Professional Competence (CPC) for the driver
 - Vehicle-related:
 - Vehicle registration document
 - Roadworthiness certificate
 - Operator-related:
 - Certificate of Professional Competence (CPC) for the company / operator

Road transport – Market access rights (1)

- **Main issues:**
 - Loss of access to the UK for EU hauliers under Community licence
 - Loss of access to the EU for UK hauliers (Community licence no longer valid)
- **Fall back freight transport:**
 - European Conference of Ministers of Transport (ECMT) quotas (annual permits for some 23,000 EU27 vehicles in 2019)
- **Fall back passenger transport:**
 - Interbus Agreement for occasional services (and soon also for regular services)

Road transport – Market access rights (2)

Challenges:

- **Freight transport**
 - Current amount of ECMT quota likely insufficient
 - No alternative EU-wide solution due to multilateral commitments (respect of most-favoured nation principle)
 - Bilateral agreements no viable alternative
- **Passenger transport**
 - Protocol extending scope of Interbus to regular services likely not in force in time for Brexit

Road transport – Licences and certificates

- Driving licence and vehicle-related documents

- -> Geneva and Vienna Conventions on Road Traffic

Driver cards and tachographs in international transport

- -> European Agreement concerning the Work of Crews of Vehicles Engaged in International Road Transport (AETR)

- CPC for driver / for operator

- -> ECMT multilateral quota system (ECMT « Quality Charter »)
- -> Relevant UK legislation on CPCs (outside ECMT context)

Other

Safety and security aspects of transport of dangerous goods

- -> European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR)

Road transport – Preparedness activities

- What is being done at EU level?

- Publication of notices to stakeholders with relevant information related to the legal consequences of the UK's withdrawal from the EU as regards
 - the validity of Community licence for operations between EU and UK;
 - the recognition of driving licences, CPCs for drivers, CPCs for operators;
 - the rights of passengers travelling by bus and coach

- What is being done at national level?

- Feedback needed in particular regarding reaching out to stakeholders

Road transport - Background and reference information

- Brexit preparedness notice:
 - Road transport - 19/01/2018
 - Industrial products - 22/01/2018
 - Consumer Protection and Passenger Rights - 27/02/2018
 - Travelling - 13/11/2018
- Commission Communications:
 - Preparing for the withdrawal of the UK from the EU - 19/07/2018
 - A Contingency Action Plan - 13/11/2018

Rail transport - Key sectoral issues

- Main challenge: Continuation of cross-border services
 - Geographic impact: Cross-Channel operations and UK/IE border
 1. Access to EU27 railway market – UK operating licences no longer valid in EU27
 2. Railway safety – UK safety certificates and authorisations no longer valid in EU27
 3. Train driver certification - UK train driver licences and certificates no longer valid in EU27

Rail transport - What needs to be done to address these issues

1. Access to EU27 railway market:

- UK-based railway undertakings to obtain EU27 operating licences – precondition: establishment in the EU27

2. Railway safety:

- Cross-border railway undertakings to obtain EU27 rail safety certificates (part A and part B)

3. Train driver certification:

- UK-licenced drivers to obtain EU27 licences

• Stakeholders:

- Continue and speed up measures to ensure compliance with EU legislation

• National authorities:

- Relevant Member States' contact with the UK (not negotiate)
- Assistance to affected stakeholders - ensure that procedures are completed in time before the withdrawal date

Rail transport - Background and reference information

- Brexit preparedness notice:

- [Rail transport](#) - 27/02/2018 (updated on 10/07/2018)

- [Industrial products](#) - 22/01/2018

- [Consumer Protection and Passenger Rights](#) - 27/02/2018

- [Travelling between the EU and the United Kingdom](#) - 13/11/2018

- Commission Communications:

- [Preparing for the withdrawal of the UK from the EU](#) – 19/07/2018

- [A Contingency Action Plan](#) – 13/11/2018

Maritime transport (1)

- Issues

- End of mutual recognition of seafarers' certificates
- End of validity of UK sponsorship of Recognised Organisations
- End of validity of certificates for marine equipment issued by UK Notified Bodies

Maritime transport (2)

- What is being done and could be done at EU level:
 - Notices to stakeholders on maritime transport, seafarers' qualifications, security, industrial products (including marine equipment)
 - Discussions in the European Social Sectoral Dialogue
 - Amendment to Regulation (EC) 391/2009 to transfer the sponsorship of ROs from UK to all the Member States authorising these ROs (COM(2018) 567 final)
 - EMSA actions - include planning for relocation of pollution response assets

Maritime transport (3)

- What could be done by stakeholders:
 - Shipping companies and seafarers should ensure early renewal of endorsements issued by EU27 Member States on the basis of seafarers' certificates issued by the UK before 29 March 2019

Trans European Network – Transport (TEN-T)

- Key issue
 - Disconnection of the North Sea - Mediterranean corridor between Ireland and Continental Europe
- What is being done
 - Amendment to Regulation (EU) 1316/2009 to provide a maritime link on the North Sea - Mediterranean corridor between Ireland and Continental Europe (COM(2018) 568 final)
- No additional action needed

Other transport issues - Background and reference information

- Brexit preparedness notice:
 - [Maritime transport](#) - 27/02/2018
 - [Seafarers' qualifications](#) - 19/01/2018
 - [Industrial products](#) - 22/01/2018
 - [Consumer Protection and Passenger Rights](#) - 27/02/2018
 - [Aviation Security and Maritime Security](#) - 5/07/2018 (updated on 23/10/2018)
- Commission Communications:
 - [Preparing for the withdrawal of the UK from the EU](#) - 19/07/2018
 - [A Contingency Action Plan](#) - 13/11/2018