

# Reconstructing a State's safety regulations: UK experience in light of Brexit

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# ***Brexit and aviation safety: principles***

- Aviation is a global industry that is globally regulated.
- Under any Brexit scenario, the UK and the CAA remain committed to maintaining global safety standards.
- 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.
- In a no-deal scenario, we would recognise EASA certificates, approvals and licences for use in the UK aviation system and on UK-registered aircraft at least for a period of two years following Brexit.

# *The old system*



# *The new system*



# ***Legal mechanisms***

## **Old system**

- European Communities Act 1972
  - Secondary legislation
- Civil Aviation Act 1982
  - Air Navigation Orders

## **New system**

- Civil Aviation Act 1982
  - Air Navigation Orders
- European Union (Withdrawal) Act 2018
  - Secondary legislation

# ***The UK's continued commitment to ICAO standards***

- Nothing will change in respect of UK's compliance with ICAO SARPs. The UK will re-assume its State of Design responsibilities from EASA.
- Where EU regulations have legislated for ICAO compliance in the EU, the same regulations will come across to the UK under the Aviation Safety SI.
- The UK's domestic legislation will continue to enable compliance, through the Civil Aviation Act 1982 and Air Navigation Orders made under it.
- The CAA's Chicago Convention Directions from the Secretary of State will continue to underpin the UK's commitment to ICAO compliance.
- The UK's role in international and intergovernmental organisations assumes an even greater importance.

# ***European Union (Withdrawal) Act 2018***

The Act provides that:

- EU legislation will form part of UK domestic law if it's in force and applicable before Brexit day.
- This includes EU Regulations and Decisions.
- Regulations can be made under the Act to remedy “deficiencies” in EU law – to make them operable in the UK.
- Deficiencies include provisions with (a) no practical application post-Brexit, (b) which give functions to the EU or EASA that they will no longer have, (c) which provide for reciprocal arrangements, or (d) depend on UK's membership of the EU.
- The Act also includes provision for functions of EU entities, EASA or other EU member state authorities to be exercised by the DfT or CAA in the UK.

# ***Regulations made under the 2018 Act***

- These are UK secondary legislation – 15 Statutory Instruments (SIs)– bringing across all the EU’s aviation acquis, not just safety.
- They all “correct” the “deficiencies” to render them operable in the UK.
- In nearly all cases, the substantive requirements of the EU regulations are unchanged.
- They have been approved.
- The Aviation Safety SI brings across all EU safety legislation: all EASA Regulations, and those on accident investigation, occurrence reporting, and operating bans.
- The only exception relates to Air Traffic Management safety which is addressed in another SI.

# ***The Aviation Safety SI - general***

- This, like the other SIs, reads like a series of “corrections” to the original EU text – e.g. “CAA” for “EASA” or “DfT” for “the Commission”.
- It must be cross-referenced to the original EU Regulation, e.g. Aircrew or Air Operations, to be properly understood.
- A marked-up version showing the corrections to the original text is in preparation.
- Among the corrections are changes to EASA nomenclature and Forms. Thus “EASA Part.145” becomes “Part.145” and “EASA Form 1” becomes “CAA Form 1”.
- EASA Applicable Means of Compliance and Guidance Material and other EASA materials such as Ops Manuals will not be brought across under this process. The UK will continue to utilise them at least for the time being.

# ***The Aviation Safety SI – recognition of EASA certificates etc***

- Airworthiness certificates or approvals issued by EASA, and related CRS issued by maintenance organisations, will be treated as if issued by the CAA or a CAA-approved maintenance organisation, as the case may be.
- Any other licence, certificate or approval issued by EASA or an EASA-competent authority will continue to be valid and in force for up to a maximum of 2 years, and treated as if it was issued by the CAA.
- As for ANSP certificates falling under the ATM SI, this allows recognition of any ANSP certificate issued in an EU member state before Brexit to continue in force for up to a maximum of 2 years, and treated as if it was issued by the CAA.

# ***European plans for ‘no deal’ outcome***

- Measures ensuring continued validity of certificates for certain aeronautical products, parts, appliances and companies – including type certificates and organisation approvals in the airworthiness domain.
- Addresses the issue that operations in the EU27 could be halted in a no-deal scenario with a gap between withdrawal and either EASA granting third-country certificates to UK companies, or UK companies relocating production to EU27 jurisdictions. During this time gap, almost all certificates would become invalid.
- Specified EASA airworthiness related certificates (including DOAs) will remain valid from 9 months – this can be extended.
- Specified maintenance certificates certified by the CAA will remain valid without a time limit.
- Permits EASA and EU competent authorities to take account of pilot or engineer examinations taken in UK ATOs under CAA oversight before Brexit.

# ***What next?***

- The withdrawal agreement and political declaration have not yet been approved by the UK parliament.
- The UK will participate in EU-wide elections on 23 May 2019.
- As it currently stands, the UK will leave the EU at the end of October 2019. The terms on which it will leave remain unclear.
- What is clear is that the UK and the CAA remain committed to maintaining global safety standards.
- UK aviation will be as safe after we leave the EU as before.