



UK Safety Regulation and Brexit

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21 May 2019

The Legal and Regulatory Framework

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 no practical application post-Brexit, or which give functions to the EU or EASA which they will no longer have, or which provide for reciprocal arrangements, or which 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 Act

- These are UK secondary legislation – 15 or so 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.

- The Aviation Safety SI brings across the entire EU safety legislation – all EASA Regulations, and those on Accident Investigation, Occurrence Reporting, and Operating Bans.

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 Airworthiness, to be properly understood.
- 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”.
- While EASA Applicable Means of Compliance and Guidance Material and other EASA materials 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.

European plans for ‘no deal’ outcome

- Proposes 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.
- Regulation (EU) 2019/494.

The UK's continued commitment to ICAO standards

- Nothing will change in respect of UK's ongoing compliance with ICAO SARPs – other than UK re-assuming 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 address 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 also underpin the UK's commitment to ICAO compliance. They will be modified to remove references to CAA support of EASA insofar as such compliance is concerned.
- In the event of a hard Brexit, the UK's role in international and intergovernmental organisations assumes an even greater importance.
- UK aviation will be as safe after Brexit as before.

SCHEDULE 8

Section 23(5) and (7)

CONSEQUENTIAL, TRANSITIONAL, TRANSITORY AND SAVING PROVISION

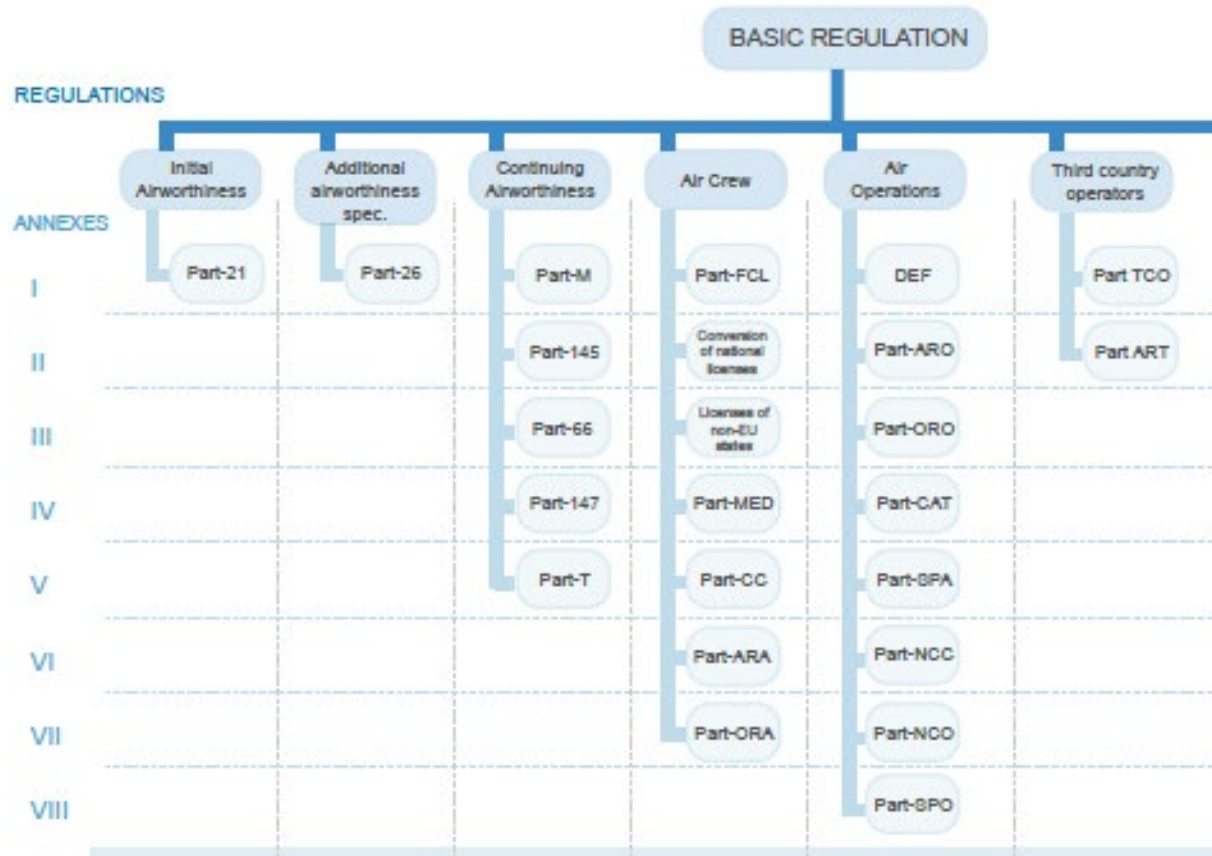
PART 1

GENERAL CONSEQUENTIAL PROVISION

Existing ambulatory references to retained direct EU legislation

- 1 (1) Any reference which, immediately before exit day—
 - (a) exists in—
 - (i) any enactment,
 - (ii) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3, or
 - (iii) any document relating to anything falling within sub-paragraph (i) or (ii), and
 - (b) is a reference to (as it has effect from time to time) any EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement which is to form part of domestic law by virtue of section 3,
is to be read, on or after exit day, as a reference to the EU regulation, EU decision, EU tertiary legislation or provision of the EEA agreement as it forms part of domestic law by virtue of section 3 and, unless the contrary intention appears, as modified by domestic law from time to time.
- (2) Sub-paragraph (1) does not apply to any reference which forms part of a power to make, confirm or approve subordinate legislation so far as the power to make the subordinate legislation—
 - (a) continues to be part of domestic law by virtue of section 2, and
 - (b) is subject to a procedure before Parliament, the Scottish Parliament, the National Assembly for Wales or the Northern Ireland Assembly.
- (3) Sub-paragraphs (1) and (2) are subject to any other provision made by or under this Act or any other enactment.

EASA Regulations



Aviation Safety SI

Amendment of Subpart G of Section A of Annex 1 to Commission Regulation (EU) No 748/2012

200.—(1) Section A, Subpart G (production organisation approval) is amended as follows.

(2) In points 21.A.134, 21.A.135, 21.A.143, in each place the words occur, for “competent authority” substitute “CAA”.

(3) In point 21.A.145—

- (a) in point (b)(1), for “Agency” substitute “CAA”;
- (b) in point (c)(1), for “competent authority” substitute “CAA”.

(4) In points 21.A.147, 21.A.153, 21.A.157, 21.A.158 and 21.A.159, in each place the words occur, for “competent authority” substitute “CAA”.

(5) In point 21.A.163—

- (a) in points (b), (c) and (d), for “EASA” substitute “CAA”;
- (b) in point (e), for “its competent authority” substitute “the CAA”.

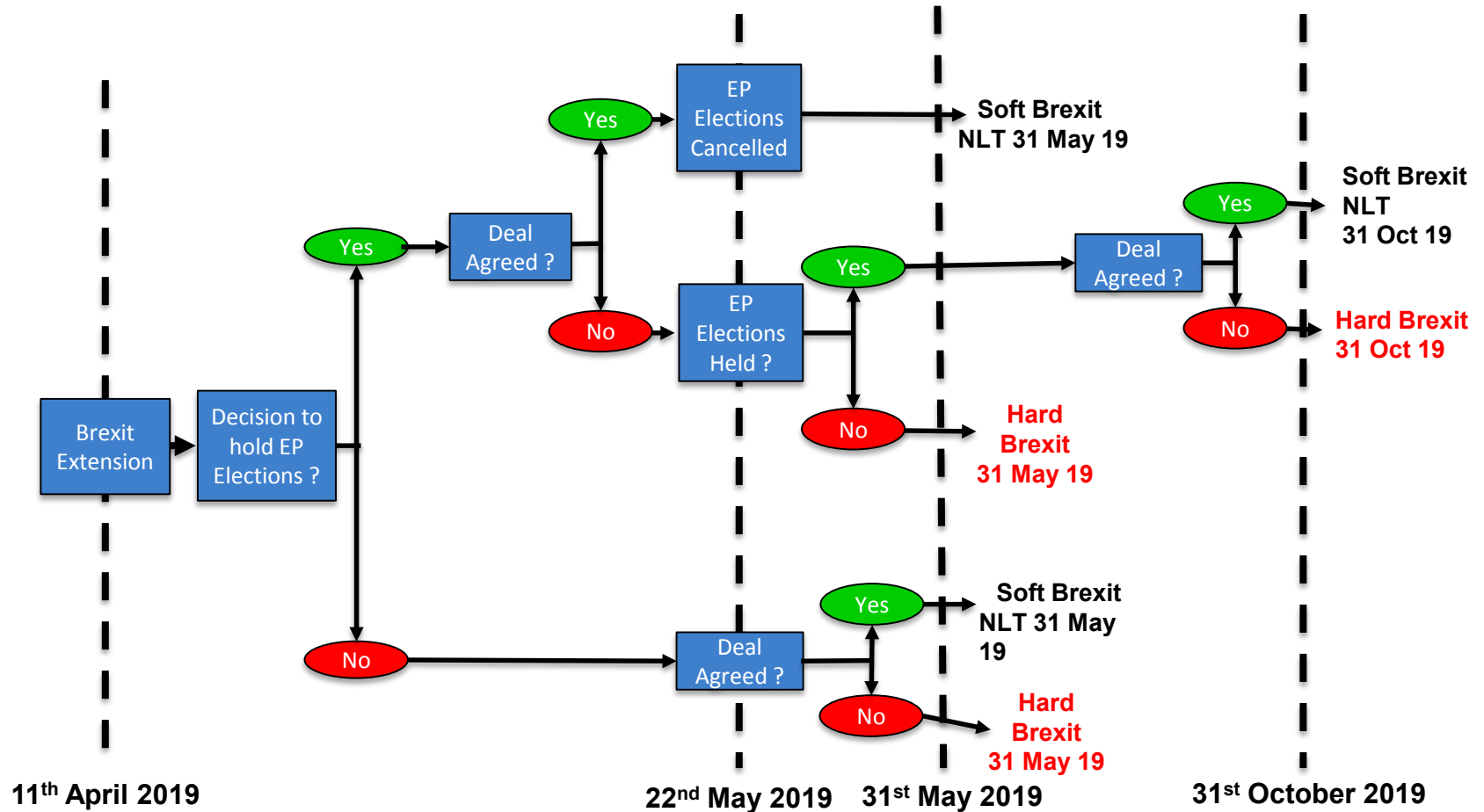
(6) In point 21.A.165—

- (a) in point (c)—
 - (i) in point (1), for “competent authority” substitute “CAA”;
 - (ii) in points (2) and (4), for “EASA” substitute “CAA”;
- (b) in point (f)(2)—
 - (i) for “Agency and the competent authority of the Member State” substitute “CAA”;
 - (ii) for “established by the Agency” substitute “established by the CAA”;
 - (iii) omit the words from “or accepted by” to the end;
- (c) in point (h), for “competent authority” substitute “CAA”.

Further information

- The EU Withdrawal Act -
<http://www.legislation.gov.uk/ukpga/2018/16/contents/enacted>
- The Aviation Safety SI -
<http://www.legislation.gov.uk/ukdsi/2019/9780111175101/contents>

Brexit - The Possible Ways Ahead



Questions & Thank you