

United Kingdom Overseas Territories Aviation Circular

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UK's Withdrawal from the European Union (Brexit)

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GENERAL

Overseas Territories Aviation Circulars are issued to provide advice, guidance and information on standards, practices and procedures necessary to support Overseas Territory Aviation Requirements. They are not in themselves law but may amplify a provision of the Air Navigation (Overseas Territories) Order or provide practical guidance on meeting a requirement contained in the Overseas Territories Aviation Requirements.

PURPOSE

This Circular provides guidance on the effect of the United Kingdom ceasing to be a member of the European Union and the implications for those who rely on holding EASA approvals or licences to meet OTAR requirements.

RELATED REQUIREMENTS

This Circular relates primarily to those OTAR Parts dealing with airworthiness and personnel licensing but may be of wider interest to aircraft operators flying to, from or within the EU, including French Territories in the Caribbean.

CHANGE INFORMATION

First issue.

ENQUIRIES

Enquiries regarding the content of this Circular should be addressed to Air Safety Support International or to the appropriate Overseas Territory Aviation Authority.

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1 Introduction

- 1.1 The United Kingdom has given notice of its ceasing to be a member of the European Union. Although much remains uncertain, the UK could leave on 31st October 2019. The current draft agreement between the UK and the EU includes a 2-year transition period during which certain arrangements will continue to apply but it is uncertain whether that agreement will come into effect. While the future relationship between the UK and the EU, including the European Aviation Safety Agency (EASA), remains unclear at present, this Circular aims to provide guidance and information. Although the situation may change at short notice, the general principles set out below will apply.
- 1.2 Although the Territories have never been full members of the EU, there will be some effect on Territory operators, and individuals and organisations who rely on holding EASA licences and approvals.
- 1.3 The UK Civil Aviation Authority has published guidance on its website <https://info.caa.co.uk/eu-exit/> which holders of CAA-issued approvals, licences and certifications should consult. Generally, the CAA is continuing to recognise EASA-issued documents during the transition period of up to two years but it is less clear whether reciprocal arrangements will apply.
- 1.4 Under the OTAR system, the general principle will be to continue to recognise EASA approvals where they are currently accepted and to accept UK CAA equivalent approvals as well if it becomes necessary for the CAA to issue them outside the EASA framework. This is described in respect of particular requirements below. Once future arrangements become clearer, amendments to some OTAR Parts will be made to take account of this approach.

2 Aircraft maintenance

- 2.1 OTAR Part 145 allows organisations which hold an EASA 145 approval to qualify for an OTAR Part 145 approval under Option 1. This will not change. Any UK CAA-issued EASA 145 approval or any equivalent AMO approval issued by the UK CAA will also qualify for acceptance under Option 1 of OTAR Part 145.
- 2.2 OTAR Part 39 also accepts EASA Part M approval as a means of qualifying for an OTAR Part 39 CAMO approval. Again, this will continue and any equivalent approval issued by the UK CAA will also be accepted under Option 1 of OTAR Part 39.
- 2.3 The CAA has produced its own CAA Form 1 for certification of components under a CAA approval. This will be acceptable under OTARs. However, maintenance organisations should be aware that it may not be accepted by other NAAs on the same basis if the aircraft transfers to a different state's register.

3 Aircraft type design and design changes

- 3.1 Type acceptance certificates will continue to be issued on the basis of type certification by EASA, FAA, Transport Canada and, with some exceptions, ANAC of Brazil as specified in OTAR Part 21.
- 3.2 It is expected that design changes (modifications) will continue to be approved under one of the type certification codes currently accepted as described in OTAR Part 21 Subpart C.

4 Personnel licensing

Licences issued under EASA requirements will continue to qualify for validation or conversion as applicable. Any UK CAA-issued professional licence will be treated under OTARs on the same basis as one issued by an EASA member state.

5 Third country operators

Territory operators flying CAT operations in, to or from the EU, including the French Territories of Guadeloupe, French Guiana, Martinique and St Martin, will continue to be classed as Third Country Operators by the EU and will have to continue to meet EASA TCO requirements. Territory operators should check local information concerning any changes to customs and immigration arrangements.