Aviation safety with regard to the withdrawal of the United Kingdom from the Union

2018/0434(COD) - 19/12/2018 - Legislative proposal

PURPOSE: to avoid a total interruption of air traffic between the EU and the United Kingdom in the absence of an agreement to withdraw the United Kingdom from the Union.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council.

BACKGROUND: on 13 December 2018, the European Council (Article 50) renewed its call to intensify work on preparing, at all levels, for the consequences of the United Kingdom's withdrawal from the Union, taking into account all possible outcomes. In response to this call, this Regulation is part of a package of emergency measures proposed by the Commission in view of the uncertainty in the United Kingdom regarding the ratification of the withdrawal agreement.

The principal objective of Regulation (EU) 2018/1139 of the European Parliament and the Council is to establish and maintain a high uniform level of aviation safety in the Union. For that purpose, a system of certificates has been established for various aviation activities, in order to achieve the required safety levels and to enable the necessary verifications and the mutual acceptance of certificates issued.

The withdrawal of the United Kingdom from the Union without an agreement affects in particular the validity of certificates and licenses originating from the United Kingdom issued under Regulation (EU) 2018/1139.

The Commission proposes therefore to set up a temporary mechanism, to extend the validity of certain aviation safety certificates, in order to allow the operators concerned and the Agency sufficient time to issue the necessary certificates under Article 68 of Regulation (EU) 2018/1139, taking account of the United Kingdom's status as a third country.

CONTENT: the proposal aims to put in place a mechanism to temporarily extend (for 9 months) the validity of certain aviation safety certificates in the absence of an agreement to withdraw the United Kingdom from the Union. It would thus allow post-Brexit EU-27 manufacturers to continue their production and operators to continue to use these products in accordance with the applicable EU legal requirements.

This Regulation shall apply to the certificates listed in the Annex to this Regulation, which are valid on the day preceding the date of application of this Regulation and which have been issued by any of the following:

- the European Union Aviation Safety Agency, to natural or legal persons having their principal place of business in the United Kingdom as set out in Section 1 of the Annex;

- natural or legal persons certified by the competent authorities of the United Kingdom as set out in Section 2 of the Annex.

The Commission shall have the power to adopt delegated acts in order to extend the period of validity of the certificates referred to in Section 1 of the Annex to the Regulation.

Lastly, the content and exams of certain trainings addressed under the proposal are regulated in a detailed manner under Union law and consist of standardised modules, which should normally be completed in one Member State, before a transfer to another Member State jurisdiction is possible.