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## PRIVATE AVIATION COMPANIES – BREXIT

### **Introduction**

Aviation companies are by their very nature international. Their business models are predicated on crossing borders and they need to be able to do so flexibly and swiftly. These issues are even more acute for private aviation operators, based in the UK, as they will not be included in many of the bilateral agreements currently being negotiated between the UK and EU authorities.

### **Requirements for aviation businesses operating in Europe after the UK leaves the EU**

If the UK leaves the EU without a deal on 31 October 2019, aerospace businesses, airlines and aviation personnel may need new or changed certification, licences and documentation to undertake activities involving the design, production, maintenance and operation of aircraft between the UK and the EU, EEA and Switzerland.

According to the Department from Transport, when the UK leaves the EU, the UK Civil Aviation Authority (CAA) will take over many functions currently performed by the European Aviation Safety Agency (EASA) in relation to aviation safety approvals and certifications.

This will no doubt affect the way in which UK registered business need to go about their government relations as they will no longer be able to rely on the UK Government being able to defend their interests within the policy-making institutions of the EU and EASA.

### **EU Aviation Operators**

If we leave the EU with no deal, one major concern was whether the UK will be in a place to operate international flights for private aviation operators in the EU. The UK CAA, prior to the previous Brexit deadline of 31 March, indicated that the UK would allow a three-month interim period before applying any flight restrictions to EU private aviation operators. It is assumed that the EASA would make similar commitments for UK-based operators, for the sake of continuity.

### **European union aviation safety agency (EASA)**

The UK will likely remain within the EASA post-Brexit and remain under the oversight and aviation legislation as EU Member states. In such circumstances, the UK - like Lichtenstein, Norway, Switzerland and Iceland – could be granted participation under Article 129 of the Regulation 2018/1139 and become members of the EASA, without voting rights.

Sectors such as aerospace which are highly integrated across Europe will likely remained aligned. However, it remains for the UK to decide in which sectors it wishes to maintain regulatory alignment with the EU and the Government of the day may decide to meet the same regulatory goals of the EASA by different means going forward.

### **Helicopter operators**

The UK has one of the largest helicopter markets in Europe and many private aviation companies will also operate a helicopter service as part of their packages; however, this market is put at risk in the event of a disorderly Brexit. Helicopter authorisation is currently

This also has profound effects on the ability to use helicopters for search and rescue operations across Europe. Whilst the Maritime and Coastguard Agency has been amending notices to inform stakeholders of the implications of Brexit, there is still a great deal of uncertainty going forward.

### **Further information**

For further information on this, or any other aviation-related policy enquiry, please contact Chelgate.