

## Update on the United Kingdom's exit from the European Union

### VITAL INFORMATION FOR EU AND UK OPERATORS

15<sup>th</sup> November 2020

Dear Member,

Following on from our update in October, we remain very concerned about the possibility of the UK's non-negotiated exit (NNE) from the EU. The EU Heads of State meeting on 15<sup>th</sup> October was the key date in the negotiation process which, as you may be aware, did not deliver what the aviation industry had been hoping for. Whilst negotiations remain ongoing, with more detail than before being discussed, we are now into the last forty working days of 2020, which makes defining the entire exit plan and the appropriate legislation a significantly tall order.

Whilst hopefully most of our members are ready for the more routine parts of Brexit, on which guidance has been released, such as approvals for workers from around the EU to work in the UK, and vice versa, we are very aware that the lack of agreed and transparent aviation legislation makes preparing for what may or may not arise on 1<sup>st</sup> January 2021 virtually impossible. This is an issue we have continually brought to the attention of UK Government and Regulators, however a broader agreement at the highest level is still required before the detail can be discussed and agreed. It is a very, very tall order to have this done by January.

Having met with the UK's Department for Transport and Civil Aviation Authority on Friday, we felt the following action plan for Operators was important to put together and provide as quickly as we could.

#### UK AOC Holders

##### 1. EASA Third Country Operator Approval

The UK CAA reminds all UK AOC Holders of the importance of holding a valid EASA Third Country Operator approval in the event of an NNE. TCO Approval will not be granted until 1<sup>st</sup> January 2021 – depending on the outcome of the talks, but you MUST have applied by then in order to receive the approval to operate into the EU Member States after that date.

Guidance has been sent to all UK AOC holders, but to apply, please visit [this site](#).

Whilst the vast majority of UK AOC Holders have already done this, in some cases 18 months ago, we urge you to check your application now as our understanding is that, in the event of the NNE, all certificates that were uploaded in the application process need to be valid on 1<sup>st</sup> January 2021 and if any have expired since they were uploaded to the EASA Portal, it may result in the application being rejected.

##### 2. Permits to Operate and State Security Requirements.

No matter what the outcome of the negotiations, UK AOC Holders wishing to operate charter flights into EU Member States will be treated in the same way as other non-EU operators and will require permits to operate charter flights into and out of the Member States. This is obviously a very significant change to the current status quo and whilst we earnestly hope that it won't work like this, we urge UK AOC Holders to prepare for the worst case scenario.

As a result, we suggest that UK AOC Holders who plan to operate into EU Member States engage with the Permit Departments of each Member State **NOW** to confirm the process that will be applicable to them. There are a variety of possibilities here, which range from some states having no permit requirements for specific seating capacities, others which have blanket requirements for all charters, and others - and this is incredibly important - who require State Security approvals to be in place for any Third Country Operator operating into their territory. Whilst this may be something that a few operators have dealt with when flying outside of the EU in the past, it is possibly not something that that vast majority of us who have worked in the sector for the past forty years will be familiar with.

Because the requirements are so different for each operator, due to aircraft types and other factors, we are finding it difficult to provide a clear guide for everyone and rather than confuse issues, we urge UK AOC Holders to reach out to the individual EU Member States permit departments NOW and confirm what would be required. We believe, for example, that Spain has a requirement for a Security Approval which can take up to 30 days to obtain for non-EU operators, and that requires urgent action within the next two weeks.

One of our members, Signum Aviation ([www.signumaviation.co.uk](http://www.signumaviation.co.uk)) reached out to offer us support with the process and has kindly provided the attached list of contact details for all EU Member State Permit Departments for your ease of reference to allow you to make contact with them. Thank you to Jonathan and his team for their help and advice.

This does only deal with flights from the UK into and out of EU Member States up to Fifth Freedoms of the Air. As we have highlighted for the past year, it remains highly unlikely, no matter what the negotiations, that there will be any automatic rights for UK AOC Holders to operate intra-EU flights, without going through non-objection processes from the countries of departure and arrival, making the likelihood of approval very low. Therefore, Seventh Freedom and above flights have a very low chance of being approved, which will undoubtedly impact UK AOC Holders significantly.

## EU AOC Holders

### 1. UK CAA Third Country Operator Approval

The UK CAA have stated that they will issue Third Country Approval to allow EU AOC Holders to operate into the UK from the 1<sup>st</sup> January 2021 on receipt of an application form and an £80 fee.

The application process and form is [available here](#) and we urge EU AOC Holders to complete this, if they have not yet done so, urgently.

### 2. Permits to Operate

The UK has an existing system for the granting of Permits for charter operations.

Details on the process and how to apply for a permit to operate are [available here](#).

If you operate aircraft in excess of 10,000kgs MTOW you also need to hold a Security Approval. Details are available by emailing: [AviationSecurityEnquiries@caa.gsi.gov.uk](mailto:AviationSecurityEnquiries@caa.gsi.gov.uk)

At present it is very unlikely that the UK CAA would grant charter permits for internal UK domestic charter flights by EU AOC Holders, unless a reciprocal arrangement is offered by the EU Member State where the Operator is based. At present, no such arrangements exist. They are however working on a block permit system, which would also be offered on a reciprocal basis to individual EU Member States.

The key thing to note is that the Permits Department only operate office hours, Monday to Friday, 09:00-17:00 UK Time, excluding bank holidays. If you have not applied for your permit inside those hours, your permit will not be issued until the office reopens in normal office hours. There is an out of hours number for emergencies, limited strictly to air ambulance and humanitarian flights.

Given the nature of our ad-hoc industry this is a severe challenge and we continue to lobby the UK CAA on providing an enhanced service from 1<sup>st</sup> January 2021.

Unfortunately the realities of a Non-Negotiated Exit are becoming increasingly apparent for air charter, particularly under the present Covid-19 pandemic and we urge all members to take action NOW to ensure you are as prepared as you possibly can be to give you the best chance to operate.

If you have any questions, please email [info@theaircharterassociation.aero](mailto:info@theaircharterassociation.aero)

Dave Edwards  
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**Signum Aviation** specialises in delivering a multi-functional portfolio of aviation services to our customers throughout the globe from our offices in Europe and North America.

Our services include Landing and Overflight Permits Flight Planning, Ground Handling Arrangements, Weather and Performance, Fuel Arrangements, Flight Watch and Security Briefings.

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