



Department for Transport

To: Speaking Peers, Question for Short Debate,
European Union Aviation Safety Agency

Sent via email

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My Lords,

Thank you for participating in the Question for Short Debate on 19 March 2020 on leaving the European Union Aviation Safety Agency (EASA).

I appreciate your keen interest in this matter and your thoughtful contributions. I apologise for not being able to respond to the debate in person and I am grateful to the noble Lord, Lord Parkinson of Whitley Bay, for responding in my absence on behalf of the Government.

At the end of the debate, my noble friend Lord Parkinson confirmed the Government would follow up on some of the points that were raised, and I also thought it would be useful to respond to the main themes that were addressed.

Participation in EASA

The Prime Minister has been clear that our future relationship with the EU must not entail any application of EU law in the UK or CJEU jurisdiction. Continued UK participation in the EASA system would have been inconsistent with this approach.

Instead, we want to agree a Bilateral Aviation Safety Agreement (BASA) with the EU to minimise regulatory burdens for industry. This was made clear in the UK's negotiating position published on 27 February 2020.

It was asked if the UK could follow the Swiss precedent and seek associate membership which would allow the UK to continue to influence regulations. A Swiss-style agreement would still require the UK to apply EU laws on aviation

safety which would, as noted above, cross the Prime Minister's red lines regarding regulatory autonomy and sovereignty.

Bi-lateral Air Safety Agreement (BASA)

The EU made it clear in its public mandate, published on 25 February 2020, that it is willing to negotiate regulatory cooperation on aviation safety. It is important to note that its mandate **does not** provide for UK participation in EASA.

The fact that both the UK and EU are seeking regulatory cooperation on aviation safety increases the likelihood of concluding aviation safety negotiations before the end of 2020. This provides certainty to industry.

A BASA would facilitate the recognition of aviation safety standards and regulatory cooperation between the UK Civil Aviation Authority (CAA) and EASA. This should allow for the mutual acceptance of certification processes where possible and limit the duplication of recertification or retesting assessments. I hope this addresses the point raised regarding the certification of aircraft and their components, and also around accepting the testing and standards of EASA.

With regards to the point about recognising US Federal Aviation Authority (FAA) standards, we have a BASA with the USA which allows for mutual recognition of safety standards between the CAA and FAA.

We would expect a BASA with the EU would, in common with other BASAs, make provision for both regulatory cooperation on aircraft type certification standards and aviation safety issues, and for sharing information on aviation safety concerns. We will also continue to be fully engaged in the International Civil Aviation Organisation regarding the development of International Standard and Recommended Practices.

CAA preparedness

The CAA is currently responsible for the administration of most of the EU aviation safety legislation in the UK, but will need to take on functions currently undertaken by EASA including product design certification and approval of design organisations.

It was asked if the Government has assessed the ability of the CAA to hire and train staff to issue licences and approvals once the UK becomes a third country. The CAA has been preparing for the possibility of leaving the EASA system since the EU referendum in 2016, including recruiting new staff across the organisation. The CAA will continue to refine these plans over the coming months, and may require additional resources. These plans will be monitored.

In one of the speeches, it was stated that: “if the CAA has to replicate the role of EASA for the UK...then for industry there will be substantial issues of administrative duplication, costs and delays, as it will have to go through dual processes.”

It is just these issues – mutual recognition of certificates to avoid regulatory burden for industry – that will be addressed through the negotiation of a BASA with the EU. There is precedent for such agreements and we will pursue this course of action for the benefit of the aviation and aerospace industries.

In line with the user charges principle, the majority of the CAA’s costs are, and will continue to be, funded largely through charges on industry.

Stakeholder Engagement

The Government regularly engages with industry and will continue to do so as the negotiations progress.

In one address, it was stated that “the Government must be on hand to provide clear and concrete answers about regulation changes so that businesses have time to plan”. This is certainly our intention and, as noted above, the CAA has been preparing for the possibility of leaving the EASA system for some years and this has included issuing clear information to stakeholders from across the aviation and aerospace industry on actions that need to be taken to comply with requirements.

The particular problems faced by flying schools and specifically UK students who are training for commercial licences were highlighted. Again, as noted, the CAA has been preparing for different EU Exit scenarios for some years, including the issuance of pilot licences and repercussions for flight training organisations. The matter of whether UK licences and training organisations will be recognised by EASA following the transition period will form part of the BASA negotiations.

As the UK and EU will have the same regulatory regime at the end of the transition period, it should be possible to agree a BASA that minimises regulatory burdens and removes the need for retesting assessments.

The CAA has supported many businesses and individuals to secure the permissions they would need to operate as normal in Europe if the UK were outside of EASA systems. For example, supporting the transfer of thousands of pilot licences and hundreds of maintenance engineer licences to other National Aviation Authorities.

Thank you once again for taking an interest in this issue. I apologise for the time it has taken to issue this letter, but I hope the above is helpful. I am copying this letter to all Lords who participated in the debate, and I am placing a copy of this letter in the libraries of both houses.

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