

14 Jan 2021

MAA/RN/2021/01 – Compliance with the Military Aviation Authority Regulatory Publications following the end of the Transition Period of leaving the European Union.

Issue

1. The United Kingdom (UK) has left the European Union (EU) and from 31 December 2020 there is no requirement to continue following EU legislation on aviation safety through the rules of the European Aviation Safety Authority (EASA). Consequently, there is a requirement for the Military Aviation Authority (MAA) to update its position with the acceptance of UK Civil Aviation Authority (CAA) outcomes¹ from the 1 January 2021 for compliance with the MAA Regulatory Publications (MRP) in the way previously allowed for EASA.

Aim

2. This Regulatory Notice (RN) builds on the previously issued RN² on this subject. It aims to clarify to the Regulated Community (RC) the use of CAA outcomes under national legislation and the continued use of EASA outcomes and EUROCONTROL³ services, when applied to demonstrate compliance with the MRP.

Background

3. The CAA has been appointed as the UK competent authority for the administration of aviation legislation under the Air Navigation Order (ANO). As such, the Air Traffic Navigation or Management functions previously performed by EASA on behalf of the UK will be conferred on the UK CAA. In addition, the UK will continue its membership of EUROCONTROL as an inter-governmental, pan-European, joint civil and military organization across the wider European aviation area.

4. Consequently, there will be no change to the existing ability for UK MOD to conduct military flights to and from, or within the EU. Noting of course, that access to another nation's sovereign airspace is secured via diplomatic clearances, including standing arrangements made with NATO allies, and various bilateral arrangements that are independent of the EU framework.

5. The UK has reached a Trade and Cooperation Agreement (TCA)⁴ with the EU covering future trading relationships with the EU, including those involving aviation. Noting that the relevant section on Aviation within the TCA is civil focussed, there are some elements that will cross over into the Defence Air Environment (DAE).

Implications on Compliance

6. The UK and EU have agreed high-level arrangements to cooperate on Air Traffic Navigation and Management issues, to ensure flight efficiency and interoperability between UK and EU airspace. From a legislative perspective, much of the civil regulation is disapplied to military Aircraft

¹ In the context of this RN, outcomes relate to either CAA or EASA issued approvals, certificates or licences.

² MAA/RN/2020/03 dated 19 March 2020.

³ EUROCONTROL is an international organization working to achieve safe and seamless Air Traffic Management across Europe.

⁴ <https://www.gov.uk/government/publications/agreements-reached-between-the-united-kingdom-of-great-britain-and-northern-ireland-and-the-european-union>.

(except for some narrow areas such as flying displays⁵), while accepting responsibility to maintain due regard for the safety of navigation of civilian air traffic there will be no immediate impact or no-fly scenario. Furthermore, the UK's continued membership of EUROCONTROL, provides UK MOD with several mitigations for transiting EU airspace.

7. The UK and EU have agreed a high-level aviation safety agreement that will help facilitate the recognition of each other's aviation safety certificates and licences. The TCA contains an Airworthiness Annex dedicated to aerospace production and design. There is the potential to include maintenance in a future Annex of the TCA.

8. Type Certificates for the design of aerospace products, including major changes, issued by EASA will be validated by the CAA for use in the UK, and vice versa. Thus, for those within the RC who have relied upon pre-existing Part 21 Type Certification evidence issued by EASA in support of a Military Type Certificate application, this will remain valid (subject to any relevant limitations) and can continue to be relied upon as if issued by the UK CAA.

9. For those within the RC who have relied upon a pre-existing approval issued by EASA in support of the corresponding MAA approval, or in support of their Exposition to satisfy MRP requirements, this will remain valid unless the scope of approval changes or the CAA supersede the EASA approval, whichever is the sooner. In terms of the latter, the Exposition must reflect the corresponding UK CAA approval when issued and submitted to the MAA at the earliest opportunity.

10. For those within the RC who have relied upon other pre-existing outcomes issued under the EASA system, such as: Certificates of Airworthiness, Authorised Release Certificates, or Technical Standard Orders in support of MRP compliance, these will remain valid (subject to any relevant limitations or constraints) as if issued by the UK CAA, or until such time as they are issued by the CAA. For example, CAA Form 1 will be recognised as equivalent to the EASA Form 1 when underpinned by national legislation.

Queries

11. It is accepted that the MRP requires amendment to enable the utilization of CAA outcomes as Acceptable Means of Compliance (AMC). Until such time, those within the RC wishing to use CAA outcomes should apply for Alternative AMC. As further detail becomes available from the CAA website the MRP will be amended accordingly.

12. Any observations or requests for further guidance on the content of this RN should be submitted by email to DSA-MAA-MRPEnquiries@mod.gov.uk.

MAA Head of Regulation & Certification

⁵ Disapplications of the ANO 16 to military Aircraft are detailed at Article 22 of the ANO.