

UK - EU Transition - CAA Decisions

DECISION No. 3

Publication date: 22 December 2020

Decision enabling an approved maintenance organisation located outside the UK to perform the release to service of an aircraft registered in the UK, after Exit day

Background

Aircraft registered in the United Kingdom and not being operated by a European Union (EU) Community operator are excluded from complying with the airworthiness requirements contained in the European Union Regulation (EU) 2018/1139 and its Implementing Rules for Continuing Airworthiness (EU) 1321/2014. Aircraft registered in the UK are considered to be third country aircraft under EU law. EASA has stated that *“there is no reason for a Part 145 organisation not to release a third country registered aircraft as long as the national law allows it.”* ([EASA Reference 2013 \(D\) 51397](#), Rulemaking interpretation on “Maintenance release of aircraft not covered by the Basic Regulation” refers).

In Great Britain and Northern Ireland, The European Union (Withdrawal) Act 2018, incorporates EU legislation that was applicable and effective immediately before the Exit day into UK domestic law after Exit day. It includes any EU regulation, EU decision and EU tertiary legislation. Regulation (EU) No 1321/2014, Part 145, as amended by The Aviation Safety (Amendment etc.) (EU Exit) Regulations 2019 contains the requirements that will apply to UK registered aircraft.

Decision

The CAA, under Article 76(3) of Regulation (EU) 2018/1139¹, has decided:

1. That where an aircraft maintenance organisation has its principal place of business outside the UK, it may release a UK registered aircraft to service provided that its approval was issued by EASA or by the authority of a member state and issued before 31 December 2020.
2. Part 145

An EASA Part-145 organisation that issues a certificate of release to service after Exit day may continue to use its EASA/National approval number. The CAA considers that an organisation operating in this way is acting in accordance with “Practice 3” of the EASA document dated 20 March 2013.

¹ UK (EU retained) law pursuant to the European Union (Withdrawal) Act 2018.

The certificate of release to service should include the following statement:

‘Certifies that the work specified, except as otherwise specified, was carried out in accordance with Part-145 under the national aviation law of the UK and in recognition of the organisation’s EASA Part 145 approval, and in respect to that work the aircraft is considered ready for release to service’.

Signed: XX.145.XXXX

Alternatively, it is also acceptable to the CAA to use the following statement:

‘Certifies that the work specified, except as otherwise specified, was carried out in accordance with Part-145 and in respect to that work the aircraft is considered ready for release to service’.

Signed: XX.145.XXXX

3. Part M Subpart F

An EASA Part M Subpart F organisation that issues the certificate of release to service after performing maintenance following Exit day may continue to use its EASA/National approval number. The certificate of release to service should include the following statement:

‘Certifies that the work specified, except as otherwise specified, was carried out in accordance with Part M under the national aviation law of the UK and in recognition of the organisation’s EASA Part M Subpart F approval, and in respect to that work the aircraft is considered ready for release to service’.

Signed: XX.MF.XXXX

Alternatively, it is also acceptable to the CAA to use the following statement

‘Certifies that the work specified, except as otherwise specified, was carried out in accordance with Part M and in respect to that work the aircraft is considered ready for release to service’.

Signed: XX.MF.XXXX

4. Part CAO

An EASA Part CAO organisation that issues the certificate of release to service after performing maintenance following Exit day may continue to use its EASA/National approval number. The certificate of release to service should include the following statement as applicable:

'Certifies that the work specified, except as otherwise specified, was carried out in accordance with Part M under the national aviation law of the UK and in recognition of the organisation's EASA Part CAO approval, and in respect to that work the aircraft is considered ready for release to service'.

Signed: XX.CAO.XXXX

Alternatively, it is also acceptable to the CAA to use one of the following statements as applicable

'Certifies that the work specified, except as otherwise specified, was carried out in accordance with Part M and in respect to that work the aircraft is considered ready for release to service'.

Signed: XX.CAO.XXXX

5. Organisations, Part M Subpart F, or Part CAO, issuing a certificate of release to service for an aircraft maintained under Part ML should replace "Part M" in the release statement with "Part ML".

This decision will remain in force until 31 December 2022 unless revoked or amended by the CAA.

Definitions

"Exit day" has the same meaning as in section 20 of the European Union (Withdrawal) Act 2018.



Rob Bishton
For the Civil Aviation Authority and the United Kingdom

Date of Decision: 22 December 2020

Date of Decision Coming into force: 1 January 2021 (or Exit Day whichever is the later)