

SCHEDULE 3

Regulation 427

Savings and transitional arrangements

Approvals, licences and certificates

1.—(1) This paragraph applies to the following documents—

- (a) any type-certificate, supplemental type-certificate, European Technical Standards Order authorisation, or flight conditions approval issued by the European Aviation Safety Agency under Commission Regulation 748/2012; and
- (b) any related certificate of release to service issued by an appropriately approved maintenance organisation under Commission Regulation 1321/2014.

(2) Any document to which this paragraph applies, which continues to be in force or effective on or after exit day by virtue of Part 3 of Schedule 8 to the European Union (Withdrawal) Act 2018, is to be treated as if it were issued by—

- (a) in the case of a document referred to in sub-paragraph (1)(a), the CAA;
- (b) in the case of a certificate referred to in sub-paragraph (1)(b), a maintenance organisation approved by the CAA.

2.—(1) Subject to paragraph 3, any other licence, certificate or approval issued by the European Aviation Safety Agency or by the national competent authority of an EEA state which continues to be in force or effective on or after exit day by virtue of Part 3 of Schedule 8 to the European Union (Withdrawal) Act 2018, is—

- (a) to continue to be in force or effective on and after exit day for the remainder of its validity period up to a maximum of 2 years (subject to any earlier suspension or cancellation by the CAA); and
- (b) to be treated as if it were issued by the CAA.

(2) This paragraph applies only to documents issued under Regulation (EU) No 2018/1139 and EU implementing Regulations made under it.

3.—(1) Before any pilot licence (“Part-FCL licence”) which comes within the scope of paragraph 2 is used outside United Kingdom airspace on an aircraft registered in the United Kingdom, it must be validated by the CAA.

(2) The CAA must validate a Part-FCL licence under this paragraph, and must only do so, if—

- (a) it was issued in accordance with Commission Regulation 1178/2011; and
- (b) the licence-holder holds language proficiency in English of at least Level 4 on the Language Proficiency Rating Scale contained in Appendix 2 to Annex 1 (Part-FCL) to Commission Regulation 1178/2011.

4.—(1) This paragraph applies to the following licences—

- (a) a Part-FCL licence under Commission Regulation 1178/2011;
- (b) a Part-66 licence under Commission Regulation 1321/2014;
- (c) an ATCO licence under Commission Regulation 340/2015.

(2) In relation to an application to the CAA on or after exit day for a document to which this paragraph applies, the CAA must give credit for training provided before exit day to the applicant by a training organisation approved by the national competent authority of an EEA state or by the European Aviation Safety Agency, in the same way as the CAA would give credit for such training provided by a training organisation approved by the CAA.

5. For the purposes of paragraphs 1 to 4, “the CAA” means the Civil Aviation Authority.

EU implementing Regulations made under Regulation (EU) No 2018/1139

6. Where, as a result of these Regulations, any provision of retained direct EU legislation imposes an obligation on the Secretary of State to make regulations, that obligation is to be treated as having been met in a case where, prior to exit day, the European Commission adopted a delegated act under that provision.

List of air carriers subject to an operating ban

7. Any air carrier which, for the purposes of Regulation 2111/2005, is included on a list of air carriers subject to an operating ban in the European Union immediately before exit day, is on exit day to be—

- (a) subject to an operating ban (within the meaning of that Regulation) in the United Kingdom to the same extent as the ban to which it was subject immediately before exit day;
- (b) treated, in respect of such operating ban, as if it were subject to a decision under article 250(1A) of the Air Navigation Order 2016; and
- (c) included on the United Kingdom safety list for the purposes of Regulation 2111/2005.