

GUERNSEY ADVISORY CIRCULAR (GACs)



GAC GEN-1



Brexit

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First Issue

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Guernsey Advisory Circulars (GACs) are issued to provide advice, guidance and information on standards, practices and procedures necessary to facilitate the application and processing of applications for services related to the Guernsey Aircraft Register.

They are not in themselves law or a regulation but may amplify provisions of the laws and regulations, including the Guernsey Aviation requirements, or provide practical guidance. Since GAC's are non-binding, regulated persons may choose alternative means to comply with the guidance. In this case, however, they lose the presumption of compliance provided by the circular and need to demonstrate to the Office of the Director Civil Aviation (ODCA) that they do comply with the law.

The definitive version of GACs is on the States of Guernsey website <http://www.cidca.aero/guernsey-aviation-requirementsgov.gg/> which should be viewed to establish the latest issue.

Enquiries regarding the content of this publication should be addressed to the Director of Civil Aviation, Guernsey Airport, Airport Terminal Building, La Villiaze, Forest, Guernsey, GY8 ODS.

Processing of applications will be done by the Guernsey Aircraft Registry, which operates as '2-REG'. For further information consult <http://www.2-reg.com> or send a message to info@2-reg.com.

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1 - Purpose

This Guernsey Advisory Circular provides guidance on the effect of the United Kingdom ceasing to be a member of the European Union and the implications for those who rely on holding EASA approvals or licences to meet GAR requirements.

2 - Related laws and regulations

This GAC relates to:

- The Air Navigation (Bailiwick of Guernsey) Law, 2012 (ANL), section 7.
- Guernsey Aviation Requirements Part 21, 39, 61, 66 and 145.

3 – Definitions

Definitions, in the context of this GAC shall have the meanings listed in GAR Part 1 (Definitions, Abbreviations and Units of Measurement).

4 – Introduction

The United Kingdom has given notice of its ceasing to be a member of the European Union. Although much remains uncertain, the UK could leave on 31st October 2019. The current draft agreement between the UK and the EU includes a 2-year transition period during which certain arrangements will continue to apply but it is uncertain whether that agreement will come into effect. While the future relationship between the UK and the EU, including the European Aviation Safety Agency (EASA), remains unclear at present, this Circular aims to provide guidance and information. Although the situation may change at short notice, the general principles set out below will apply.

Although Guernsey has never been a member of the EU, there will be some effect on Guernsey operators, and individuals and organisations who rely on holding EASA licences and approvals.

The UK Civil Aviation Authority has published guidance on its website <https://info.caa.co.uk/eu-exit/> which holders of CAA-issued approvals, licences and certifications should consult. Generally, the CAA is continuing to recognise EASA issued documents during the transition period of up to two years but it is less clear whether reciprocal arrangements will apply.

Under the GAR system, the general principle will be to continue to recognise EASA approvals where they are currently accepted and to accept UK CAA equivalent approvals as well if it becomes necessary for the CAA to issue them outside the EASA framework. This is described in respect of particular requirements below. Once future arrangements become clearer, amendments to some GAR Parts will be made to take account of this approach.

5 – Aircraft Maintenance

The GAR Part 145 allows organisations which hold an EASA 145 approval to qualify for an GAR Part 145 approval under Option 1. This will not change. Any UK CAA-issued EASA 145 approval or any equivalent AMO approval issued by the UK CAA will also qualify for acceptance under Option 1 of GAR Part 145.

GAR Part 39 also accepts EASA Part M approval as a means of qualifying for an GAR Part 39 CAMO approval. Again, this will continue and any equivalent approval issued by the UK CAA will also be accepted under Option 1 of GAR Part 39.

The CAA has produced its own CAA Form 1 for certification of components under a CAA approval. This will be acceptable under GARs.

Once future arrangements become clearer, amendments to some GAR Parts will be made to take account of this approach.

However, maintenance organisations should be aware that it may not be accepted by other NAAs on the same basis if the aircraft transfers to a different state's register.

6 – Aircraft type design and design changes

Type acceptance certificates will continue to be issued on the basis of type certification by EASA, FAA, Transport Canada and, with some exceptions, ANAC of Brazil as specified in GAR Part 21 Subpart B.

It is expected that design changes (modifications) will continue to be approved under one of the type certification codes currently accepted as described in GAR Part 21 Subpart C.

7 – Personnel licensing

Licences issued under EASA requirements will continue to qualify for validation as applicable. Any UK CAA-issued professional licence will be treated under GARs on the same basis as one issued by an EASA member state. Once future arrangements become clearer, amendments to some GAR Parts will be made to take account of this approach.

8 – Third country operators

Guernsey operators flying CAT operations in, to or from the EU will continue to be classed as Third Country Operators by the EU and will have to continue to meet EASA TCO requirements. Territory operators should check local information concerning any changes to customs and immigration arrangements.

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