

The 2nd Meeting of the Specialised Committee on Aviation Safety

14 November 2022

*Hosted by the United Kingdom Department for Transport
at Great Minster House, London
and by video conference*

MEETING MINUTES

1) Welcome

Representatives of the United Kingdom (UK) and European Union (EU) held the second meeting of the Specialised Committee on Aviation Safety on 14 November 2022, with UK Devolved Administrations and EU Member States attending as observers. The meeting was co-chaired by the UK DfT and the European Commission and held in a hybrid format.

In its opening address, the UK noted that the meeting would receive a second report from the Technical Agents of both the UK Civil Aviation Authority (UK CAA) and the European Union Aviation Safety Agency (EASA), which form the TCA Certification Oversight Board (COB), alongside discussion of future annexes within the TCA.

The EU thanked UK colleagues for hosting the meeting and highlighted the twenty-three EU Member States in virtual attendance.

2) Approval of Provisional Agenda

The co-chairs adopted the draft agenda as published before the meeting.

3) Report by EASA and UK CAA on progress with implementation of the Annex on Airworthiness and Environmental Certification (Annex 30 to the TCA) and outcomes of the Certification Oversight Board (COB)

A. 14/11/2022 Report 1 (UK CAA – EASA)

The UK CAA and the EASA jointly presented a summary of the main points of the third COB meeting on 4 May 2022 and noted that:

- Confidence building process planning (Article 29 of Annex 30) – The two authorities agreed to define a methodology and to measure and record the growth in UK CAA’s competence and capacity in design.
- Permits to fly – The EASA agreed to consider the question regarding whether EU permits to fly could cover all member states but noted legal complexities.
- Expansion of scope of the production agreement to include the production of electric vertical take-off and landing (eVTOL) aircraft products – The two authorities agreed that certification and production of eVTOL aircrafts should be coordinated to ensure that both certification and production are validated at the same time. It was agreed that meetings of focal points from both authorities will take place upon formal request.

- Restrictions on the recognition of production approvals granted by EASA to organisations in 3rd countries – The two authorities discussed an amendment to UK regulations which allowed EASA-overseen production facilities in third countries to be accepted in the UK.
- Rulemaking updates – The two authorities have exchanged information on rulemaking processes and what changes were envisaged to their own rules in the near future.
- Next steps – The two authorities agreed that the COB will meet again in the first quarter of 2023.

The UK welcomed the report, and the progress made by the COB. The UK was pleased to hear of cooperation on a confidence-building process which will hopefully result in a change to Annex 30, and of the potential expansion in scope to include eVTOL aircraft.

The EU noted their satisfaction with the COB. The EU noted legal considerations required on confidence-building and the need to differentiate with different types of confidence-building that exist within the TCA. Whilst the EU is supportive of a system to ensure continued confidence on work related to current scope of the TCA as foreseen in Article 29 of Annex 30, any further extension was considered premature. The EU were pleased too with the potential of collaboration on eVTOL but highlighted the fact that these are novel and unusual aircraft in the meaning of articles 11 and 12 of Annex 30 and hence there is a need for technical agents to approach this carefully. The EU noted that certification specification is not in scope of the SC agenda, but can be approached at the level of the Technical Implementation Procedures, so does not require action from the meeting. The EU agreed for work to continue through the COB.

4) Air Traffic Management Issues

The UK raised the item of Air Traffic Management (ATM), as covered in both Titles of the TCA but stressing that this is fundamentally an issue of Aviation Safety, and Title II provides the means for cooperation. The UK noted numerous issues on ATM since the previous SC and noted an interest in minimising any risks of disruption linked to these ATM issues, as foreseen in Article 445(h) of the TCA. The UK highlighted the issues of the delegation of air traffic services provision which particularly affects the EU Member States of France, Ireland and the Netherlands. The UK proposed the establishment of a technical working group on ATM matters under Article 8(4)(f) of the TCA to implement provisions for cooperation as envisaged under Title II of the TCA and to reduce regulatory burdens.

The EU noted that ATM is covered by at least two chapters of the TCA but questioned whether the presented ATM issues are a safety issue. The UK provided examples of how ATM is a safety issue – particularly if States were to decide to withdraw provision of air traffic service in the UK, as referenced in analysis from EUROCONTROL – and raised concern that there is no forum to discuss ATM safety issues with the EU, particularly given the mechanisms provided under the Single European Sky package no longer apply.

The EU referenced Article 45(1)(H) and noted that given there is no annex on ATM within the TCA, the EU could not agree to a working group. The UK requested a technical group to begin the discussions of an annex. The EU noted that this would not be possible as the EU believed that the current system was working well and the issues the UK are experiencing are due to the nature of Brexit and unavoidable consequence of the UK's decision. The EU was clear that a working group could not be set up without the equivalent annex.

The UK noted that there are serious issues with ATM and requested any technical engagement on the matter and for focal points to be appointed by the UK CAA and EASA to discuss ATM further. The

EU noted that all cooperations should be kept within the confines of the TCA and concluded that no focal points could therefore be appointed on this matter.

Conclusion: The UK noted its disappointment and the need to reduce any further disruption for Air Navigation Service Providers and all users but noted the EU's position against progressing any discussions on ATM.

5) Future Scope of the Aviation Safety Chapter

The UK noted that the Aviation Safety Chapter, within the TCA, provides the ability to agree further annexes to the agreement, and raised the UK desire for two priority annexes on maintenance and ATM. The UK noted that these annexes would be mutually beneficial for UK and EU industry and regulators and would reduce unnecessary costs and burdens of our respective aviation systems.

The UK emphasised the value of a maintenance annex within the TCA for industry and noted the current system creates duplication of financial and administrative burdens for industry and for technical agents. The UK noted that both the EASA and the UK have mature regulatory systems. Therefore, the UK believed that a maintenance annex could be easily achieved – given there is significant precedence – and would be in line with the TCA's ambition to facilitate and promote the free flow of civil aeronautical products and services as noted in the Article 443(D).

The EU noted that there was no appetite from the EU to discuss the scope or specifics of a maintenance annex, nor was there any mandate to do so. The UK reiterated the importance of a maintenance annex for industry, and questioned the EU on what conditions would be required for the discussion to progress regarding a maintenance annex. The EU noted that any discussion on areas outside the scope of the current TCA must be put against the background of the wider EU-UK relationship and recalled that the proposal for a maintenance annex was already rejected during the TCA negotiations, as it was not considered in the EU's interest. The UK reiterated that a maintenance annex – which is possible to achieve within the current TCA framework – would be mutually beneficial for UK and EU industry as a whole; while noting that the UK have also secured a successful agreements on maintenance with other key manufacturing states.

On ATM, the UK noted the desire for an ATM annex within the Aviation Safety Chapter to establish the terms, conditions, and methods for the reciprocal acceptance of findings of compliance and certificates for cross-border operation of Air Traffic Services, in Article 445(4). The UK proposed that an ATM annex would have mutual benefit and wish to have further discussions with the EU on the matter.

The EU noted its position that there is also no mandate for discussion of an annex on ATM, and that the suggestion was rejected during TCA negotiations.

Conclusion: The UK noted the EU's position, rejecting any further discussions on expanding cooperation in the aviation safety chapter, particularly in relation to the UK's proposal to consider additional annexes on maintenance and ATM.

6) Any Other Business

A. Update by the UK on Post EU Exit Savings provisions

The UK provided an update on the UK Savings provisions following the end of the transition period on 31 December 2020 and noted that the end of the saving provisions means that holders of EASA

issued licences will require UK CAA approvals from 1 January 2023 to enable continued provision of services to UK organisations (including operation or maintenance functions for UK-registered aircraft). The UK provided detail on the numbers of applications, including for pilots, aircraft engineers, Third Country Operator Certificates and others.

The EU noted the update and numbers provided and asked the UK for confirmation that the approvals should not run into 2023. The UK noted that all mitigations have been put in place to avoid issues, so confidence is relatively high. The EU welcomed this update.

Conclusion: The EU noted the UK's update on Post EU Exit Savings provisions.

No other AOB points were proposed.

7) Next Meeting Date and Time

The UK recalled that under Article 8(7) of the TCA, the Specialised Committees should meet at least once a year and proposed the date and time could be agreed by correspondence. The UK and EU have also agreed to alternate hosting.

The EU agreed to host the next Specialised Committee and suggested the next SC take place at a similar time in 2023. The EU also proposed that written exchanges could be used in the interim period to alleviate any challenges with safety obligations.

Conclusion: The EU and UK will agree the date, time and venue for the next Specialised Committee meeting through correspondence.

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DRAFT AGENDA

- 1. Welcome**
- 2. Approval of Provisional Agenda**
- 3. Report by EASA and UK CAA on progress with implementation of the Annex on Airworthiness and Environment Certification (Annex 30 to the TCA) and outcomes of the Certification Oversight Board 1**
 - A. 4/11/2022 Report 1 (UK CAA – EASA)
- 4. Air Traffic Management issues**
- 5. Future scope of the Aviation Safety Chapter**
- 6. Any Other Business**
 - A. Update by the UK on Post EU Exit Savings provisions
- 7. Next Meeting Date and Time**
 - A. Proposal: TBD – hosted by EU/UK

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PARTICIPATION LIST

UK Delegation (24 attendees)

- UK Co-chair of the Specialised Committee on Aviation Safety
- UK Government Officials from Department for Transport
- UK Government Officials from Foreign, Commonwealth and Development Office
- UK Officials from Civil Aviation Authority
- Northern Ireland administration Official
- Scottish administration Officials

EU Delegation (34 attendees)

- EU Co-chair of the Specialised Committee on Aviation Safety
- European Commission Officials (MOVE, SG)
- EU Official from Delegation of the European Union to the UK
- European Union Aviation Safety Agency Officials
- Representatives of EU Member States