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Dear David,

## **UNITED KINGDOM FOREIGN CARRIER PERMIT AND THIRD COUNTRY OPERATING CERTIFICATE**

Thank you for the opportunity to speak at Thursday's EBAA Annual General Meeting. I offered then to write setting out the contingency arrangements in the event of a non-negotiated withdrawal by the United Kingdom from the European Union. I agreed in particular to outline the approach the CAA is taking in relation to UK Foreign Carrier Permits (Permits) and UK Third Country Operator Certificates (TCO) for non-scheduled, ad-hoc charter operations in relation to aircraft of less than 19 seats.

### **Current position**

You will be aware that the UK Government is still in discussion with the EU over the terms and timeline of its exit. A Withdrawal Agreement is pending ratification which if adopted would provide for a transition period until December 2020 (which could be extended further). During any transition period EU law would still be applicable to the UK, and the UK would still be subject to EU-negotiated Air Transport Agreements. In that instance EU27, or EFTA operators would not need a Permit or TCO for operations to, from or within the UK as it would still be part of the European Common Aviation Area (ECAA). In the absence of any transition period or other arrangement, the UK will exit the Union at 24.00 CET on Friday, 29 March 2019.

Currently, non-UK air carriers intending to operate either charter or scheduled flights to, from, within or via the United Kingdom from the UK must hold a Foreign Carrier Permit prior to any commercial flight being undertaken. EU27 and EFTA carriers presently benefit from an exemption that allows them to undertake UK commercial operations without prior approval, provided that the points served are all within the boundaries of the ECAA. That exemption will be withdrawn as part of the UK's departure from the Union, and EU27 and EFTA carriers will thereafter require a Permit and TCO before any commercial flight can be performed.

This letter sets out the basis on which such ad-hoc Permits will be granted and the structure the CAA has introduced in relation to the grant of TCO's following the UK's exit.

## Foreign Carrier Permit

Operators which undertake commercial services from the UK will already be familiar with the principles of the CAA's Permit application process, but there are several changes that will come into effect on the UK's exit from the EU.

As you know, the CAA currently issues an ad-hoc charter Permit to EU carriers covering either one, or a short series of flights on a route-by-route basis for services between the United Kingdom and countries outside of the ECAA. That process for flights of this nature will remain unchanged. The application form and more information can be found [here](#).

Given the nature of existing ad-hoc charter operations between the UK and the ECAA, the CAA has reviewed its current process to minimise any administrative burden, whilst ensuring the interests of consumers are protected and the position of UK industry supported. We have therefore decided to introduce a new type of Permit – the "Block Permit".

A Block Permit will apply to flights between the UK to EU27 or EFTA countries only, it will not be route specific and will be granted for a 3 month period. The CAA will carefully monitor the approach that EU27 and EFTA Member States take in granting reciprocal traffic rights to UK carriers in this period. On the basis of that evaluation the CAA will extend the permit for a further period. The length of the extension has yet to be decided, but will be for a minimum of 3 months and for a maximum of 9 months. The Block Permit application form will be on our [website](#) shortly, but in the interim I attach a copy of the form.

Applicants for either type of Permit will need to provide copies of the following documents:

- Details of the registration (tail numbers) and aircraft types of all aircraft planned to be operated to and from the UK;
- Copy insurance certificates for all the aircraft it is planned to operate;

Please note that copies of any additional documents (such as Airworthiness Certificates, Noise Certificates or Radio Licences) will not be required unless requested.

### *Leased Aircraft*

If an applicant utilises aircraft on wet-lease from another carrier then we will need the following additional information:

- Written confirmation that the lease has been approved by the lessee's aeronautical authorities;
- A copy of the wet lease agreement;
- Confirmation of which airline's operations and flight manuals will be used

### *Administration Fee*

Applications for a Foreign Carrier Permit will incur a £78 administration fee details of which can be found [here](#).

### *Cabotage*

The UK Government has [announced](#) that EU27 carriers will be permitted to undertake cabotage flights in the UK up to 27 October 2019. Thereafter cabotage requests will be considered on a case-by-case basis. Cabotage requests for EEA and Swiss carriers will also be considered on an individual basis.

**Note that private or state flights, or those undertaken for non-revenue purposes, such as positioning, will still be allowed to be undertaken without a Permit needing to be held.**

## UK Part TCO Application Process

Currently, in accordance with [Regulation \(EU\) No. 452/2014](#), all Third Country Operators are required to hold an approval, known as a “Part-TCO”, from the European Aviation Safety Agency (EASA) prior to undertaking any commercial flight within the ECAA. This will mean that following EU exit UK air carriers will be required to hold an EASA TCO before they undertake such activities.

This Regulation will be retained in UK law under the UK’s Exit continuity arrangements, and the CAA will have responsibility for administering all TCOs in respect of commercial services undertaken within UK territory on the UK’s exit from the EU. The CAA will therefore be required to ensure that all foreign air carriers hold a UK Part TCO prior to undertaking any commercial flight within UK territory.

The CAA wishes to ensure that the minimum possible regulatory burden is placed on air carriers in bringing in this requirement. It has therefore developed a streamlined process for EU27/EFTA carriers. A UK Part TCO issued before 29 March 2019 will have a validity period of up to two years. The UK Part TCO application form for EU27 carriers can be found [here](#) which should be completed as instructed and submitted with a copy of the company’s Air Operator Certificate (AOC) and the associated operation specifications. There is no administration fee due if a UK TCO application is made prior to Friday, 29 March.

### Submission

Applications for either a Permit or TCO should be sent by email to [foreigncarrierpermits@caa.co.uk](mailto:foreigncarrierpermits@caa.co.uk) with the subject “EU27 Block Permit Request” as soon as possible.

The CAA has already commenced the process of granting TCO’s and will begin issuing Block Permits from Monday, 25 March. The TCO and Block Permit will both come into force on the day the UK exits the EU.

**Note that if an application for a TCO or Block Permit is submitted after Sunday, 24 March the CAA cannot guarantee that it will be processed by the current UK exit day of Friday, 29 March.** You will appreciate there are ongoing discussions by the DfT with the European Commission which may have an impact on that exit date.

If your members have any queries in relation to the above, then they should contact us by email at [foreigncarrierpermits@caa.co.uk](mailto:foreigncarrierpermits@caa.co.uk).

Yours sincerely,



**David Kendrick**  
Head, Airline Licensing  
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