

## BREXIT GUIDANCE TO OPERATORS

27 JANUARY 2021

### **Brexit Guidance to Business Aviation Operators Where to find the information you are looking for?**

On Saturday 26 December 2020, the European Commission published the draft EU-UK Trade and Cooperation Agreement. The draft agreement foresees cooperation between the EU and UK and contains dedicated titles on transport and aviation which require appropriate level playing field guarantees.

Below you will find links to sources of information that should answer most of your questions on the changes resulting from the end of the Brexit transition period and the publication of the EU-UK Trade and Cooperation Agreement.

EBAA published its initial guidance to operators shortly after the draft agreement was published: [Initial guidance](#) published on 28/12/2020.

#### **Traffic rights, authorisations & permits**

To avoid confusion about operational and administrative requirements following the end of the Brexit transition period, EBAA created a guidance & OPS sheet to help Business aviation operators consider the changes that Brexit has brought to operations between the EU and the UK. Further information is also available on the EASA and UK CAA websites.

More information:

[EBAA Post-Brexit Guidance & OPS info sheet](#)

[UK CAA Brexit microsite & FAQ section](#)

[Brexit FAQ on EASA website](#)

#### **Aircraft operations, maintenance and licensing**

Since 1 January 2021, aviation in the UK is regulated by the Civil Aviation Authority (CAA) rather than the European Aviation Safety Agency (EASA).

On 1 January 2021, EU aviation safety legislation, including Regulation (EU) 2018/1139 establishing EASA, no longer applies to the UK. As of that date, the UK is considered as a third country and no longer has the status of an 'EASA Member State'.

Currently, only two aspects of aviation safety cooperation are addressed in the framework on trade and cooperation, namely certain simplifications on the approvals covering design and

manufacture of aeronautical products. As a Third Country, the UK can sign Bilateral Aviation Safety Agreements (BASA), Memorandums of Understanding (MoU) or Working Arrangements (WA) with the EU27 or individual countries.

Both EASA and UK CAA have established websites with information and FAQ covering the most frequent operational consequences, such as licensing, TCO, maintenance and airworthiness, aircraft operations etc.

More information :

[UK CAA Brexit microsite & FAQ section](#)

[Brexit FAQ on EASA website](#)

## Taxation

Since 1 January 2021, there are two separate VAT and Customs territories, the UK and EU27. The free movement of goods, service, people and capital previously enjoyed is a thing of the past. A hard border is in place between the UK and the EU. The new UK VAT and Customs territories will include the IOM, but not the Channel Islands.

More information :

[Import, export and customs for businesses: detailed information on the UK Government website](#)

[FAQ Section on European Commission's website](#)

VAT and taxation generally require advice based on your specific situation and the EBAA cannot comment on this. Please contact a tax advisor or legal counsel that is aware of your specific situation. The below EBAA Members might be able to advise you on taxation:

Name	Website
AARPI GIDE LOYRETTE NOUEL	<a href="http://www.gide.com">http://www.gide.com</a>
ACUMUM - LEGAL & ADVISORY	<a href="https://www.acumum.com/">https://www.acumum.com/</a>
ARKTIS BENTZEN ADVOKATFIRMA AS	<a href="http://www.arktislaw.no">http://www.arktislaw.no</a>
ARNECKE SIBETH	<a href="http://www.arnekesibeth.com">http://www.arnekesibeth.com</a>
BIZAV SERVICES LTD.	<a href="https://bizav.eu/">https://bizav.eu/</a>
BLUM AND GROB ATTORNEYS AT LAW LTD.	<a href="http://www.blumgrob.ch">http://www.blumgrob.ch</a>
BRJ AVOCATS ASSOCIES	<a href="http://www.brjavocats.com">http://www.brjavocats.com</a>
CAMILLERI PREZIOSI	<a href="http://www.camilleripreziosi.com">http://www.camilleripreziosi.com</a>
CAMPOMORI - AVIATION & LAW	<a href="http://www.campomori.com">http://www.campomori.com</a>
CLYDE & CO LLP	<a href="http://www.clydeco.com">http://www.clydeco.com</a>
DCL AVOCATS	<a href="http://www.dclavocats.com">http://www.dclavocats.com</a>
DELOITTE TAX	<a href="http://www.deloitte.at">http://www.deloitte.at</a>
ERMINI AG	<a href="http://www.ermi-law.ch">http://www.ermi-law.ch</a>
GVZH ADVOCATES	<a href="http://www.gvzh.com.mt">http://www.gvzh.com.mt</a>
HOLLAND AND KNIGHT (UK) LLP	<a href="http://www.hklaw.com">http://www.hklaw.com</a>

HOLMAN FENWICK WILLAN LLP (HFW)	<a href="http://www.hfw.com">http://www.hfw.com</a>
HSP SCHAEFER	<a href="http://www.hsp-law.de">http://www.hsp-law.de</a>
ICM AVIATION LTD.	<a href="http://www.i.im">http://www.i.im</a>
IRIS THAUMAS LTD	<a href="http://Www.iristhaumas.com">http://Www.iristhaumas.com</a>
KADRANT	<a href="http://www.kadrantlaw.com/">http://www.kadrantlaw.com/</a>
KELLERHALS CARRARD LAUSANNE/SION SA	<a href="http://www.kellerhals-carrard.ch">http://www.kellerhals-carrard.ch</a>
KENNEDYS	<a href="http://www.kennedys-law.com">http://www.kennedys-law.com</a>
MARTYN FIDDLER AVIATION	<a href="https://www.martynfiddler.aero/#">https://www.martynfiddler.aero/#</a>
MEYER AVOCATS	<a href="http://www.meyer-avocats.ch">http://www.meyer-avocats.ch</a>
MEYERLUSTENBERGER LACHENAL	<a href="http://www.mll-legal.com">http://www.mll-legal.com</a>
OBERSON ABELS SA	<a href="http://www.obersonabels.com">http://www.obersonabels.com</a>
ODI-SE AVOCATS	<a href="http://www.odise.com">http://www.odise.com</a>
OGIER	<a href="http://www.ogier.com">http://www.ogier.com</a>
OPMAS GROUP APS	<a href="http://www.opmas.dk">http://www.opmas.dk</a>
RENZ AND PARTNERS	<a href="http://www.renz-partners.ch">http://www.renz-partners.ch</a>
SCELLENBERG WITTMER LTD.	<a href="http://www.swlegal.ch">http://www.swlegal.ch</a>
SELENE AVOCATS	<a href="http://www.selene-avocats.fr">http://www.selene-avocats.fr</a>
STUDIO PIERALLINI	<a href="http://www.studiopierallini.it">http://www.studiopierallini.it</a>
TAX MARINE SPAIN	<a href="http://www.taxmarine.com/">http://www.taxmarine.com/</a>
THE AIR LAW FIRM LLP	<a href="http://www.theairlawfirm.com">http://www.theairlawfirm.com</a>
VATAMERICA	<a href="http://www.vatamerica.com">http://www.vatamerica.com</a>
WEISENHEIMER LEGAL	<a href="http://www.weisenheimer.law">http://www.weisenheimer.law</a>
WHITESTONE CHAMBERS	<a href="http://www.whitestonechambers.com">http://www.whitestonechambers.com</a>

## Going forward

EBAA is constantly monitoring Brexit developments and is in touch with the respective national and EU authorities. Members who have questions can get in contact with our [EU Affairs department](#) or can contact their national authority directly. EBAA will continue to provide updates as appropriate and provide further analysis on the agreement to better understand the implications of the new relationship between the EU and the UK.

Should you run into operational issues that are not addressed in this document please [contact us](#).

**Disclaimer:** This guidance doesn't aim at being exhaustive considering the variety of potential situations, if you have any doubts about how to handle the end of the transition period, we advise you to contact your national authorities and/or legal counsels as soon as possible.

## About EBAA

The European Business Aviation Association (EBAA) is the leading organisation for operators of business aircraft in Europe. Our mission is to enable responsible, sustainable growth for business aviation, enhance connectivity and create opportunities. EBAA works to improve safety standards and share knowledge, to further positive regulation and to ease all aspects of closely tailored, flexible, point to point air transportation for individuals, governments, businesses and local communities in the most time-efficient way possible. Founded in 1977 and based in Brussels, EBAA represents +700 members companies, corporate operators, commercial operators, manufacturers, airports, fixed-based operators, and more, with a total fleet of +1,000 aircraft.



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