

**LETTER OF CONSULTATION  
May 2011**

**PROPOSAL TO AMEND THE AIR NAVIGATION ORDER 2009 TO ADDRESS THE  
CONSEQUENTIAL EFFECTS OF THE EUROPEAN REGULATIONS FOR  
FLIGHT CREW LICENSING**

**ISSUE**

Directly applicable European (EU) legislation is going to change the pilot licensing rules in Europe, including the UK, with effect from 8th April 2012. The legislation will affect the privileges of many existing licence holders and will specify how new licences may be obtained. The European Implementing Rules that are to be enacted will be directly applicable, binding in UK law and will replace and override the equivalent national aviation legislation in the Air Navigation Order 2009 ("the ANO") for the pilots of aircraft to which EU legislation applies.

European Regulation 216/2008 requires that each EU Member State has a Competent Authority to administer the Implementing Rules. In the UK the CAA has been the Competent Authority for the rules relating to airworthiness since 2003. In order that licences may be issued in the UK in accordance with European rules from 8th April 2012, Article 246 of the ANO must be amended to designate the CAA to be the Competent Authority for pilot licensing.

Currently, the ANO gives the legal provisions for the licensing of UK pilots for all categories of aircraft. When the European regulations come into force they will supplant some provisions of the ANO, but the ANO will still have to provide for some aspects of pilot licensing. In particular, the scope of the new regulations will exclude certain types and categories of aircraft that currently may be included in JAR-FCL licences. This will mean that it will not be possible to fly some aircraft using EASA licences; a national licence issued under the ANO will be needed.

It is emphasised that the major regulatory changes for pilot licensing and the associated impacts on UK citizens and businesses are being imposed by the directly applicable European legislation. The purpose of the proposed amendment to the ANO that is the subject of this consultation is to mitigate the consequential effects of the European legislation in the UK.

## **THE PROPOSED CHANGE TO THE ANO**

The proposed amendments to the Air Navigation Order 2009 are set out in the proposal document in a tabular format; each proposed change being accompanied by an explanation of the purpose of the change.

The proposed amendments will achieve the objectives now listed.

In the Articles:

- To make clear that the national provisions that have been replaced by EU legislation no longer apply to EASA aircraft, but to nationally regulated aircraft only, and so avoid misleading pilots to undertake flights that would be illegal.
- To make EASA licences valid for UK nationally regulated aircraft within the class ratings of those licences; thereby avoiding the need for every UK pilot to hold both an EASA and a national licence.
- To introduce UK licences that are equivalent to European licences that can be issued to allow pilots to fly nationally regulated aircraft that are not within the class ratings of EASA licences and so cannot be flown with EASA licences.
- To make clear the provisions for the validations of non-UK licences consistent with the changes made by EU regulations.
- To make consequential changes to define which ratings may be added to which licences.
- To make consequential changes to make clear which medical certificates apply in each case.
- To add the national provisions necessary to allow UK pilots and cabin crew to make use of the options within the EU regulations to have certain medical certificates issued by GPs, military doctors and Occupational Health Medical Practitioners as applicable, instead of an Authorised Medical Examiner.
- To make the CAA the Competent Authority for licensing in the UK.
- To add, remove or amend definitions as necessary.

In Schedule 7:

- To amend Part A to specify the privileges of the re-introduced and new licences, and to remove those of licences that will no longer exist.
- To add a third section to Part B to specify the ratings for the National Private Pilots Licence (Helicopters).
- To revise Part C to ensure that the renewal and revalidation requirements are correctly specified.

In Schedule 13:

- To amend Part A to make provisions for pilot training organisations that are equivalent to those for engineer training organisations.

## **IMPACT ASSESSMENT**

The procedures for the amendment of secondary legislation require that an Impact Assessment is compiled. A preliminary Impact Assessment has been produced for the proposed amendment of the ANO, conforming to the standard format used by the UK government.

## CONSULTATION

By means of this letter and the associated documents setting out the proposed amendment and the preliminary Impact Assessment the CAA seeks the views of those who may be affected by this proposed change. Please forward any comments by e-mail to: [Itsconsultations@caa.co.uk](mailto:Itsconsultations@caa.co.uk)  
Please include "ANO proposal" in the title of your e-mail.

When making comments please refer to the reference number of the proposed change as shown in the proposal so that it is clear which part of the text you are commenting on.

The final Impact Assessment should contain estimates of the financial costs and benefits of the proposed amendment; but these are difficult to quantify for this change to the ANO. The CAA requests that any data that may be available on this be submitted in response to this consultation.

(Please note that this should not include the financial impact of the European legislation, which is not the subject of the Impact Assessment).

Further information concerning the forthcoming changes and their expected effects may be found on the CAA website at:  
[www.caa.co.uk/eupilotlicensing](http://www.caa.co.uk/eupilotlicensing)

When available, information on the medical requirements will be published at:  
[www.caa.co.uk/medical](http://www.caa.co.uk/medical)

This consultation will close on 31st August 2011.

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May 2011

### Associated Documents:

- A: Proposed Amendment to the Air Navigation Order 2009 for Flight Crew Licensing
- B: Preliminary Impact Assessment