

EUROPEAN LEGISLATION - THE EFFECTS ON THE LICENSING OF PILOTS IN THE UK

Revised May 2012

Summary

European (EU) legislation has changed the pilot licensing rules and will affect the privileges of many existing licence holders. The European Regulation 216/2008 (often referred to as the “Basic EASA Regulation”) and the subordinate Regulations (the Implementing Rules) are binding in UK law and replace and override the equivalent national aviation legislation in the Air Navigation Order 2009. The new rules are based on JAR-FCL, but there are significant differences.

When the EU rules are fully in force it will be mandatory to have a licence (or licence validation) issued in accordance with them to fly within the EU any aircraft of a type that is within the scope of the Basic EASA Regulation. **Once the implementation dates of the EU rules have passed, national licences will not be valid for the aircraft within the scope of these rules, regardless of what may be written on the national licence or in national legislation.**

This document provides an overview of the expected effects of the legislation under the following headings:

1. The scope of the EU regulations.
2. The EASA licensing system.
3. Implementation of EU Rules.
4. Consequential changes to the UK licensing system.
5. Conversion of existing UK licences.
6. The UK IMC rating.
7. Credit for military flying.
8. Non-EU licences - Validations and Conversions.
9. UK Scheme of Charges.
10. The role of the CAA under EU Regulations.
11. CAA transition tasks.
12. Conclusions and further information.
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1. The scope of the EU regulations - EASA and Non-EASA aircraft

- 1.1 The European Aviation Safety Agency (EASA) came into being in September 2003 to administer the new European aviation regulations and rules, and in some circumstances to apply the regulations directly. EU legislation applies to most of the aircraft in Europe (and in some respects to those operating in or into Europe that are registered elsewhere). The regulations apply to the aircraft, their pilots, operators, and those who design, manufacture and maintain them. There are specific exceptions set out in the legislation and aircraft excluded from EASA's remit remain under national regulations. The scope and exclusions were determined in 2002 following a review of the basis of airworthiness certification and responsibilities, but as the categorisations are enshrined in the "Basic EASA Regulation" they apply to licensing and operations as well, unless specific provisions are made to the contrary in the Basic EASA Regulation.
- 1.2 The EU regulations for flight crew licensing are now in force. These are Regulations 1178/2011 and 290/2012, known collectively as the "Aircrew Regulation". Implementation in the UK commences in 2012; it should end in 2017 when the last UK-issued JAR-FCL licence is replaced on calendar expiry. The Aircrew Regulation specifies dates after which licences issued under national rules will no longer be valid for flying aircraft that are within the scope of the EU regulations - "EASA aircraft". Any pilot who intends to fly an "EASA aircraft" registered in the EU after the applicable dates will have to hold an appropriate EASA licence (or a validation if he has a licence from a country that is not an EASA Member State). In some circumstances the licensing requirements will also apply to the pilots of EASA aircraft registered outside the EU; (see section 8).
- 1.3 Under EU legislation all aircraft are "EASA aircraft" unless:
- (i) they are aircraft that are "carrying out military, customs, police, search and rescue, firefighting, coastguard or similar activities or services" (i.e. "State Aircraft"); or
 - (ii) they are within the categories set out in Annex II to European Regulation 216/2008 - ("Annex II aircraft").

The main categories set out in Annex II to the Basic EASA Regulation are:

- microlight aeroplanes;
- light gyroplanes;
- amateur built aircraft;
- ex-military aircraft;
- foot-launched aircraft;
- "vintage" aircraft that meet specific criteria for date of design and manufacture; and
- aircraft built or modified for scientific or novel purposes.

These exclusions are common to the airworthiness Implementing Rules, which have been in place for some years, thus the Annex II aircraft types registered in the UK have already been identified. For an individual aircraft registered in Europe the classification can be determined by reference to the Certificate of Airworthiness or Permit to Fly for that aircraft. If that document is marked in the bottom left corner as EASA Form 20a or 20b (Permit to Fly) or EASA Form 24 or 25 (Certificate of Airworthiness), then the aircraft is an "EASA aircraft". The classification of aircraft by type as EASA and non-EASA aircraft is set out in Section 1 of Part 2 of CAP 747 "Mandatory Requirements for Airworthiness", which may be found on the CAA website. (www.caa.co.uk/cap747). The classification of an individual aircraft registered in the UK may be checked by viewing the data for the aircraft on the Aircraft Register, "G-INFO" via the CAA website. If the aircraft has a valid airworthiness certificate, G-INFO will show whether it is an EASA certificate or a national certificate.

A more succinct definition of an EASA aircraft is that it is an aircraft (other than a State Aircraft) of a type which, if registered in any EU Member State, would be required by EU regulations to have an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly.

Note: In the context of EU rules the term "Airworthiness Certificate" includes Certificate of Airworthiness, Restricted Certificate of Airworthiness, and Permit to Fly.

It is important to understand that an aircraft that is an EASA type is still an EASA aircraft when registered outside the EU and as such is subject to EU regulations when flying in Europe.

- 1.4 The following example illustrates the primary effect that the forthcoming EU legislation will have on pilots with UK non-JAR licences:

The Tigermoth, Luscombe 8, Piper J3 Cub, and Rutan Varienze are examples of aircraft that are within the categories of Annex II to Regulation 216/2008 and so are non-EASA aircraft. The Cessna 172 and the Piper PA28 are EASA aircraft. When compliance with the EU rules for licensing becomes mandatory the holder of a Single Engine Piston (SEP) class rating on a UK PPL(Aeroplane) that was issued under national rules (before the introduction of JAR-FCL) will still be able to fly a Tigermoth, a Piper J3 Cub or other non-EASA SEP aeroplane, but that licence will not be valid for the PA28, Cessna 172, or any other "EASA aircraft".

To fly an EASA aircraft an EASA licence will be required; any holder of a national licence who intends to fly EASA aircraft when the new rules are fully in force must have obtained an EASA licence (based on credit for the national licence). It is important to understand that the EU legislation is directly applicable and overrides any existing national legislation. This means that UK licences will not be valid for EASA aircraft regardless of the wording of the licence or of UK legislation such as the Air Navigation Order (ANO). With the 2012 amendment the ANO will be consistent with EU legislation, but the EU legislation takes effect on the dates specified in that legislation; not when national legislation is amended.

Pilots who will only ever want to fly non-EASA aircraft (such as microlights, light gyroplanes and amateur-built aircraft) will be able to continue to fly those aircraft with their national licences, and will be unaffected by EU regulations in that respect; (except in some cases if the aircraft is being flown for commercial air transport, in which case an EASA licence may be required). See Attachment 1 for more information.

- 1.5 The 2012 amendment of the Air Navigation Order renders EASA licences with the appropriate class ratings to be valid for UK-registered non-EASA aircraft within those classes; thereby avoiding the need for the holder of an EASA PPL(A) with SEP rating to also hold a national licence in order to fly an amateur-built aeroplane or a Tigermoth, for example. (Note that the Air Navigation Order cannot make a national licence valid for the piloting of an EASA aircraft).

2. The EASA Pilot Licensing System

- 2.1 The new requirements have been brought into being under a new, directly applicable, European Implementing Rule, known as the "Aircrew Regulation". This comprises the Regulation itself (in the form of Regulation 1178/2011 as amended by Regulation 290/2012) and seven annexes. These are:

- Annex I - Part-FCL - Replacing JAR-FCL 1 and 2
- Annex II - Conversion of European non-JAR-FCL licences
- Annex III - Validation and Conversion of non-EU licences
- Annex IV - Part-MED - Replacing JAR-FCL 3
- Annex V - Part-CC - Requirements for Cabin Crew

- Annex VI - ARA - Authority Requirements
- Annex VII - ORA - Organisation Requirements

Part-FCL makes provision for the granting of licences, ratings and authorisations that are equivalent to those currently issued under JAR-FCL. The requirements are similar to, but not the same as, JAR-FCL. Part-FCL also makes provision for pilot licences for sailplanes, balloons and airships and ratings for powered-lift aircraft. These Part-FCL licences will all be compliant with Annex 1 to the International Convention on Civil Aviation (the ICAO or “Chicago” Convention) and so will be recognised for international flight worldwide.

- 2.2 Part-FCL also provides for a new Light Aircraft Pilot Licence (LAPL), which will not be compliant with ICAO Annex 1. This is similar in concept to the current UK NPPL(A). However, the LAPL is valid for flight throughout Europe using any aircraft registered in the EU that fall within the privileges of the licence. The LAPL is not limited to aeroplanes. It will be possible to obtain LAPLs for aeroplanes, helicopters, balloons and sailplanes. (Note: The Basic LAPL that was originally proposed was removed from Part-FCL before the rules were agreed to go forward as legislation). It will not be necessary to hold a Class 1 or Class 2 medical certificate in order to fly using a LAPL; there will be a LAPL Medical Certificate.
- 2.3 All Part-FCL licences, including LAPLs are non-expiring “lifetime” licences. The use of licence privileges will be dependent upon the validity of the ratings included in the licence (or compliance with recency criteria in the case of LAPLs) and the validity of the associated medical certificate.
- 2.4 Under Part-FCL there are changes to the privileges of instructors for aeroplanes compared with JAR-FCL. Under JAR-FCL, Type Rating Instructors (TRIs) and Type Rating Examiners (TREs) perform their roles in respect of Type ratings for helicopters and multi pilot aeroplanes. Class Rating Instructors (CRIs) and Class Rating Examiners (CREs) perform their roles for aeroplanes that are within Class Ratings, but also in respect of Type Ratings for single pilot aeroplanes. Under Part-FCL this latter aspect has changed: CRIs and CREs will continue to deal with Class ratings and the Type Ratings for single pilot aeroplanes that are not classified as “Single Pilot High Performance Complex Aeroplanes” (SPHPCA). However, for SPHPCA Type Ratings the instructing and examining will be by TRIs and TREs, even though they are single pilot aeroplanes.
- 2.5 The proposed Annex VII - Part-ORA (Organisation Requirements Aircrew) sets out the requirements for training organisations and Aeromedical Centres. A significant change is that Part-FCL will require all flying training, including for the PPL and LAPL private licences, to be carried out at Approved Training Organisations; there will no longer be Registered Facilities for PPL training. Part-ORA specifies the requirements that apply to Approved (flying) Training Organisations and further requirements for Approved (flying) Training Organisations that run CPL, MPL, ATPL and/or Type Rating and Instrument Rating courses. Part-ORA also defines the requirements for Aero Medical Centres.
- 2.6 The Annex VI - Part-ARA (Authority Requirements Aircrew) Implementing Rules sets out the requirements and procedures to be complied with by the National Aviation Authorities, including the format of licences and the content and layout of application forms, approval certificates, etc. This may mean that course completion certificates and other documents issued by Approved Training Organisations to be sent to the CAA with applications for licences and ratings will have to be amended to conform to a standardised EU format.

2.7 For UK national licences the Air Navigation Order and requirements notified by the CAA continue to apply.

3. Implementation of EU Rules, including transitional measures.

3.1 The Aircrew Regulation became effective on 8th April 2012. It has been recognised that it is not possible for licence holders and organisations to become compliant with the new rules immediately when they come into force, and also that National Aviation Authorities may not have had sufficient information early enough to be ready to change over to the new rules on 8th April 2012. Accordingly, the Aircrew Regulation includes provisions for Member States to delay the mandatory dates for certain rules by means of “derogations”. The CAA has decided to start applying the Annexes to the regulation and to start issuing EASA Part-FCL licences from 17th September 2012. The CAA has notified its intentions in respect of all derogations as follows:

- (i). the Aircrew Regulation itself will apply from 8th April 2012 but compliance with the requirements of the seven Annexes will not be mandatory until 17th September 2012;
- (ii). the requirements for the validation of 3rd country licences in respect of non-commercial flights (only) will not be applied until 8th April 2014;
- (iii). the replacement of a UK non-JAR compliant aeroplane or helicopter licence with an EASA licence will not be mandatory until 8th April 2014 (or 8th April 2015 if the use of the licence is used only within the privileges of the LAPL);
- (iv). compliance with the requirements of ORA.GEN.200(a)(3) in respect of FSTD certificate holders that are not approved training organisations or holders of Air Operators Certificates will not be mandatory until 8th April 2014;
- (v). obtaining the following to carry out the related activity will not be mandatory until 8th April 2015:
 - (a) pilot licences for balloons, airships, sailplanes and powered lift aircraft;
 - (b) the Light Aircraft Pilots Licence;
 - (c) the aerobatic rating;
 - (d) the sailplane and banner towing ratings;
 - (e) the mountain and mountain instructor rating;
 - (f) the flight test and flight test instructor rating;
 - (g) the multi-crew co-operation instructor for helicopters;
 - (h) approval for organisations providing training for the Light Aircraft Pilot’s Licence, Private Pilot’s Licence, Balloon licences or sailplane licences;

The effect of applying these derogations in this manner will be as follows:

- JAR licences issued by the CAA before 17th September 2012, that are fully compliant with JAR-FCL are deemed to be EASA licences.
- EASA licences will be issued from 17th September 2012.
- From 17th September 2012 any JAR-FCL licence that requires re-issue, renewal or amendment will be replaced with a non-expiring EASA licence.
- The conversion of UK non-JAR licences can start from 17th September 2012.
- From 17th September 2012, UK non-JAR licences cannot be re-printed containing EASA Part-FCL ratings. From 17th September 2012, on the first occasion that a UK (non-JAR)

licence that contains a Part-FCL rating is submitted to the CAA for re-issue or amendment, it will be necessary for the licence holder to comply with the requirements for conversion to a Part-FCL licence.

- The validation and conversion requirements for non-EU licences will apply from 17th September 2012 for any commercial flight. These requirements will apply to private flights as well with effect from 8th April 2014 (unless rendered unnecessary by then by the existence of bilateral agreements between the EU and the relevant States).
- Any national, non-JAR, licence may continue to be used for aeroplanes and helicopters for all purposes permitted by the relevant licence until 8th April 2014.
- National licences may continue to be used until 8th April 2015 for aeroplanes and helicopters that are within the scope of the EASA Light Aircraft Pilots Licence (up to 2000 kg, no more than 4 occupants, etc), but for private flights in VMC only - See Attachment 2 for the scope of the LAPL.
- National licences may continue to be used for balloons and airships for all purposes permitted by the licence until 8th April 2015.
- National rules for the piloting of sailplanes may continue to be used until 8th April 2015.
- JAR-FCL 3 compliant medical certificates are deemed to be EASA Part-MED Medical Certificates from 8th April 2012; i.e. they are EASA Medical Certificates. The CAA and AMEs will continue to issue JAR Medical Certificates until the 17th September 2012. Those certificates will be deemed to be Part-MED Medical Certificates on their date of issue. From 17th September EASA Part-MED Medical Certificates will be issued on first application or at the next revalidation or renewal of each JAR certificate. (Note that the NPPL Medical Declaration will not be an acceptable alternative to the LAPL Medical Certificate. Applicants for LAPLs must obtain the EASA LAPL Medical Certificate. It is intended that LAPL Medical Certificates will be available from 17th September 2012).
- Flying Training Organisations and Type Rating Training Organisations that have their principal place of business within the EASA States and are approved under JAR-FCL become Approved Training Organisations under Part ORA on 8th April 2012. They are not fully compliant with Part ORA. Any non-compliances solely arising from the change of regulations will be classified as Level 2. For organisations with their principal place of business in the UK, rectification plans and timescales will be subject to agreement with the CAA.
- The approvals of Flying Training Organisations and Type Rating Training Organisations with their principal place of business outside the EASA States transferred to EASA in April 2012.
- Training carried out in accordance with JAR-FCL before the implementation of Part-FCL may be credited for the issue of an EASA licence or rating after that date, but only until 8th April 2016. If the licence/rating has not been issued by then, the training prior to 8th April 2012 will not be credited.
- Registered Facilities who have their principal place of business within the EASA States operating before the implementation of Part-FCL in the country where they are located may continue their current activities in respect of EASA licences, but must become Approved

Training Organisations under Part-ORA by 8th April 2015. Until they are ATOs they cannot increase the scope of their activities, such as instruction for the LAPL.

- Registered Facilities operating before 8th April 2012 who have their principal place of business outside the EASA States should contact EASA for advice on any transition arrangements.
- New applicants for training organisation approvals and course approvals will be allowed to elect to comply with the Aircrew Regulation annexes in advance of 17th September 2012.

Once the transition periods are over, no national licences will be valid for EASA aircraft, and no training outside of Approved Training Organisations will be valid for the grant of an EASA licence or the grant or renewal of a rating. Therefore, any current licence holder who wishes to continue to fly EASA aircraft will have to obtain the applicable EASA licence, rating and medical certificate in advance of the transition end dates. Based on the above the end dates for transition in the UK will be as set out in the following table:

| EASA Aircraft and Operation or activity | <i>Assuming derogations as described above, a pilot must have the EASA licence / rating before:</i> |
|---|--|
| Aeroplanes and helicopters used for commercial purposes. | 8th April 2014 |
| Aeroplanes and helicopters outside scope of LAPL used for any purpose. | 8th April 2014 |
| Aeroplanes and helicopters within the scope of the LAPL and used for non-commercial purposes. | 8th April 2015 |
| Balloons, Airships and Sailplanes. | 8th April 2015 |
| Aerobatic rating Towing rating (Banner or Glider) Mountain rating Flight Test rating | 8th April 2015 |

- 3.2 From 17th September 2012 all new licences issued to pilots completing training to JAR-FCL (or Part-FCL) requirements and their associated medical certificates will be issued in accordance with the new regulations. Similarly, from 17th September 2012 all new applications by training schools for the approval of courses or of the organisation, will have to be compliant with the new EU Regulations; (Part-ORA and Part-FCL).
- 3.3 As stated in 3.1 above, under the new regulations all training for the initial issue of a licence or rating must be given by an Approved Training Organisation. Part-FCL also stipulates that refresher training (instructional flights to restore a rating) must be undertaken by Approved Training Organisations. An exception is where an instructional flight is required for the revalidation of the Single Engine Piston or Touring Motor Glider rating (undertaken before the rating expires); in this case only, the flight may be with an FI or CRI not within an Approved Training Organisation. Where the revalidation or renewal of a rating has a dependency on the hours flown in the validity period, the CAA considers that all hours flown in the specified capacity in any aircraft of the relevant class/type using the EASA licence may be credited. Note that the requirement for flying training to be conducted at an ATO refers to instructional and instructor/examiner supervised flights and does not apply to the flying hours that must be accrued to comply with experience requirements.

4. Consequential changes to the UK Licensing System.

4.1 There are significant differences between the coming transition to EASA rules and the previous transition to JAR-FCL that took place a decade ago. Foremost amongst these are:

- (i) that the transition is compulsory for most licence holders because licences issued under national rules will not be valid for EASA aircraft into the future, and
- (ii) that national ratings cannot be included in EASA licences.

Changes made in 2012 to the privileges of licences as set out in the Air Navigation Order (ANO) reflect (i) above; however, this is only to improve clarity as, in this context, EU law takes precedence over national legislation. Item (ii) above necessitates changes to the national licensing system.

4.2 Consider the case of the holder of valid type ratings for the Robinson R22 and Westland Scout helicopters. Both of these ratings may appear on a JAR licence or a pre-JAR UK licence. The R22 is an EASA aircraft. The Scout is an ex-military helicopter as set out in Annex II to the Basic EASA Regulation; as such it is a non-EASA aircraft and so cannot be included in an EASA licence. A pilot qualified to fly both types will therefore require an EASA licence for the R22 and a UK licence issued under the ANO for the Scout. A similar situation arises for any pilot who is or becomes qualified to hold a type rating for a non-EASA aircraft, or any other national rating for which there is no EASA equivalent.

(Note that this problem will not arise with aeroplane class ratings, such as the SEP rating, which appear in both national and EU rules. This is because the ANO as amended in 2012 renders an EASA licence with SEP rating to be valid for UK-registered non-EASA single engine piston aeroplanes; no national licence will be needed in addition to an EASA licence in such a case).

4.3 When JAR-FCL was implemented in the UK the ANO was changed so that new UK licences that were equivalent to JAR licences could no longer be issued. With the 2012 amendment to the ANO provisions is made for UK equivalents to EASA licences to be issued where necessary to allow pilots to hold non-EASA UK national ratings. This means reintroducing the UK ATPL, CPL and PPL for both aeroplanes and helicopters. In addition, provision is made for an NPPL(Helicopters) as an equivalent to the LAPL(H) so that if the holder of a LAPL(H) qualifies for a type rating for a non-EASA helicopter (that is within the limits of the LAPL(H) - mass, occupancy, etc) the rating can be issued and the privileges exercised using a UK licence that will be valid for the holder of a LAPL Medical Certificate. These new UK licences are necessary because certain ratings cannot be included in an EASA licence. They will be granted following compliance with standards that are the same as those of Part-FCL. The route to obtaining a new UK ATPL, CPL, or PPL for aeroplanes or helicopters, or an NPPL(H), is either: to hold the equivalent EASA licence in accordance with Part-FCL and comply with the requirements for the rating; or to comply with the requirements of Part-FCL for the category of licence, and comply with the requirements for the national rating. A table of the EASA licences and the proposed UK equivalents is shown in Attachment 3, together with the existing national ratings that may necessitate a national licence.

4.4 It is important to appreciate that the proposed Aircrew Regulation specifies that the conversion from a national licence to an EASA licence is only available for national licences issued before the end date of the applicable derogation. For the UK this means 17th September 2012, except in the case of conversions to LAPLs, or the Balloon or Sailplane licence for which 7th April

2015 applies. National licences issued as described in 4.3 above after the relevant date will not be convertible to EASA licences.

- 4.5 With the 2012 amendment of the ANO, all UK licences become non-expiring “lifetime” licences. The use of the licence privileges will remain dependent upon the validity of the ratings included in the licence (or recency in the case of a LAPL) and the validity of the associated medical certificate.

5. Conversion of existing UK licences

- 5.1 All licences that are fully compliant with JAR-FCL are deemed to be EASA licences but will need to be physically replaced on or before their calendar expiry dates. All licences that are not fully compliant with JAR-FCL are national licences. National licences may be converted directly into EASA licences; it is not necessary to convert to a JAR-FCL licence first.
- 5.2 Annex II to Regulation 1178/2011 provides criteria for commonly used national licences to be converted to EASA licences. This Annex is reproduced with UK supplementary material in CAP 804. The criteria are similar to those that applied in the past for transition to JAR-FCL licences. Holders of UK ATPLs should note that to be issued with an EASA Part-FCL ATPL they must have a current and valid Type Rating for a multi-pilot EASA aircraft type that can be entered on the EASA licence. Where a national licence does not appear in Annex II to the Aircrew Regulation (e.g. balloon licences are not present) the regulation allows the alternative of the National Aviation Authority (CAA) compiling a Conversion Report. This Conversion Report must compare the national rules (that were the basis upon which the national licences were issued) with the Part-FCL requirements and so propose the additional requirements (if any) to be complied with before an EASA licence may be issued. The Conversion Reports are to be agreed with EASA.
- 5.3 In the UK we have a variety of legacy licences that were issued on the basis of UK-specific standards. These include a number of versions of the “Basic CPL”, various forms of PPL, and “JAA” ATPL and CPLs that are marked “Valid for UK registered aircraft” because their holders did not comply in full with JAR-FCL. We also have the NPPL for SSEA, the NPPL for SLMG, balloon and airship licences, and gliding qualifications to address.
- 5.4 For the NPPL SSEA, the NPPL SLMG, balloons, airships and gliders the CAA (in co-operations with others) has developed or is developing Conversion Reports. For helicopter and aeroplane licences (other than NPPL) the 2012 amendment to the ANO converts each kind of legacy licence into one of the UK national licences that will be available in the future. These legacy licences are therefore within one of the categories of Annex II to the Aircrew Regulation and so will be convertible to EASA licences under the terms of that Annex.
- 5.5 The effect of the 2012 amendment to the ANO is that:
1. Any JAA ATPL(A) marked as “Valid for United Kingdom registered aircraft” will be deemed to be a UK ATPL(A).
 2. Any JAA CPL(A) marked as “Valid for United Kingdom registered aircraft” will be deemed to be a UK CPL(A).
 3. Any JAA CPL(H) marked as “Valid for United Kingdom registered aircraft” will be deemed to be a UK CPL(H).
 4. Any Basic CPL(A) that is marked that the holder is restricted not to undertake Public Transport or Aerial Work, except Aerial Work that is limited to: flying instruction and flying

tests; or the towing of gliders; or flying displays; or parachute dropping; will be deemed to be a UK PPL(A) - see Note 1.

5. Any Basic CPL(A) that is not restricted as under (4) above will be deemed to be a UK CPL(A).

Note 1 - A national PPL(A) with FI(A) rating is convertible to an EASA PPL(A) with FI(A) on the basis of experience as set out in Annex II to the proposed Aircrew Regulation. The EASA PPL(A) with FI(A) includes the privilege to be paid for giving flying instruction for the PPL(A) and LAPL(A).

- 5.6 Attachment 4 provides a table that sets out how each kind of licence will be affected by the proposed changes to the ANO and the means by which the resulting licences can be converted to EASA licences, if the holder wishes to do so.

6. The UK IMC rating.

- 6.1 The proposed Part-FCL does not have an equivalent to the UK IMC rating. During 2009 an EASA rulemaking working group developed proposals for simplified European instrument ratings for private aeroplane and sailplane pilots. The resulting Notice of Proposed Amendment was put out to consultation in September 2011 and the Opinion to the Commission is due to be finalised in 2012. This should eventually result in an amendment to Part-FCL.
- 6.2 The CAA has submitted a Conversion Report to the Agency proposing that pilots who hold IMC ratings (or IMC rating privileges) prior to 8th April 2014, may be granted a Restricted IR(A) on their Part-FCL licence. The privileges of the IR(R) and the associated requirements would be the same as for the existing IMC rating.

7. Credit for military flying.

- 7.1 The Aircrew Regulation includes provision for military pilots to be given credit for military training and experience when making application to the national authority (of the State for whom they serve) for EASA licences. However, the terms must be established by compiling a Credit Report that compares the military training with Part FCL and identifies the additional training and experience required for military pilots to comply with Part FCL. This report, together with the proposed crediting terms must be submitted to EASA. Once this has been done, the new scheme will be published in CAP 804.

8. Non-EU licences - Validations and Conversions

- 8.1 The Basic EASA Regulation and the Aircrew Regulation requires all pilots:
 - (i) flying an EASA aircraft registered in the EU; or
 - (ii) flying an EASA aircraft registered in a State outside the EU but whose operator is resident or established in the EU

to hold either an EASA licence, or a non-EU licence that is validated by an EU Member State in accordance with the Aircrew Regulation.

The Aircrew Regulation provides for Member States not to require the validation of non-EU licences for non-commercial flights until 8th April 2014. For commercial flights by non-EU licence holders working for UK operators the validation of licences will be required from 17th September 2012. During the period April 2012 to April 2014, where a State has elected not to

apply the EU requirements for validation, the national legislation in respect of validations will continue to apply. In the UK this means that the Air Navigation Order will still apply to private flights until April 2014; i.e. specific validations are not required for private flights in UK-registered aircraft.

- 8.2 UK legislation has always required the validation of foreign licences to fly UK registered aircraft for commercial purposes. The EU regulations differ in that the validation of foreign licences is required to fly foreign registered aircraft if the operator is based in the EU. For example, if a UK AOC holder is to use pilots with FAA licences to fly a US registered aircraft for commercial purposes, those pilots will have to have their licences validated by the CAA in accordance with the Aircrew Regulation with effect from 17th September 2012. Another significant difference between the Aircrew Regulation and current UK rules is that under EU rules an individual licence holder may only obtain a validation once, and it will be time limited.
- 8.3 The proposed validation requirements are set out in Annex III to the proposed Aircrew Regulation. These are also reproduced in CAP 804. The general requirements that apply to all validations are:
- the licence to be validated must be compliant with ICAO Annex 1;
 - the pilot must hold a Medical Certificate that is issued in accordance with Part-MED - a medical certificate from the non-EU State of Licence issue is not sufficient.
 - application may only be made to the NAA of the country where the pilot is resident, or where the operator they will fly for has its principal place of business;
 - the period of validation will not exceed one year;
 - no repeat validations will be allowed;
 - a validation can be extended once only (beyond the initial 12 months) by the competent authority (NAA) that issued it, in order to allow a reasonable time for the pilot to obtain an EASA licence. The extension will be given if the pilot concerned has commenced training for an EASA licence. The period of the extension will not be excessive, taking into account the requirements to be complied with to be granted an EASA licence.
- 8.4 The requirements for non-EU licence holders to obtain EASA commercial licences are set out in Article 7 of the proposed Aircrew Regulation. The requirements to obtain an EASA PPL on the basis of any non-EU licence are specified in Annex III to the proposed Aircrew Regulation..
- 8.5 At present, Article 62 of the Air Navigation Order 2009 grants a general validation to all non-UK licence holders to allow them to fly UK-registered aircraft, provided that the flight is for non-commercial purposes and the licence holder does not receive remuneration for the flight. The Aircrew Regulation overrides Article 62 in respect of EASA aircraft from 8th April 2014.

9. UK Scheme of Charges

- 9.1 The CAA scheme of charges has been amended to take account of these changes to European rules.

10. The role of the CAA under EU regulations

- 10.1 In very simple terms the regulatory responsibilities for Flight Crew Licensing are divided between EASA and the NAAs such that EASA develops the rules and the NAAs (including the CAA) ensure that the rules are complied with and issue the licences, ratings, authorisations and approvals. To ensure consistent application of the rules across all participating States EASA carries out "Standardisation" in the form of audits of the NAAs.
- 10.2 The exercise of discretion by the CAA in its application of requirements is greatly affected by the EU legislation. Under the Air Navigation Order the CAA has considerable discretion in the application of the requirements and in the granting of exemptions. Under Part-FCL there is much less discretion available to the CAA. The "flexibility provisions" available are set out in Article 14 of the Basic EASA Regulation - See Attachment 7 for more information. It should be noted that these provisions are only available to Member States; EASA cannot grant exemptions in respect of individual licences. In the UK the Article 14(4) exemption flexibility is administered by the CAA on behalf of the Department for Transport. Although the CAA has some powers to exempt from the Part-FCL requirements using these provisions, any such discretion may only be exercised within the narrow criteria of Article 14(4) and may be overturned by the European Commission, as advised by EASA, under the terms of Article 14(5).

11. CAA transition tasks.

- 11.1 For the CAA there are numerous tasks to be completed by 17th September 2012 in order to achieve each of the following objectives:
1. To be able to issue new EASA licences and organisation approvals in accordance with EU regulations.
 2. To be able to replace any existing licence with an EASA licence (and in some cases a new UK licence as well), with the appropriate ratings.
 3. To have a manageable system for the administration and oversight of all remaining non-EASA licences.
- 11.2 Achieving each of these objectives involves: compiling new procedures and forms; amending UK legislation; making changes to our IT systems/databases; retraining our staff; discussions with EASA, the UK training industry and pilot community representatives; and revising our publications and guidance material. In particular, most of the content of LASORS will become obsolete. A new publication, CAP 804, has been published. This provides a guide to the Aircrew Regulation and also notifies the requirements for UK licences, together with means of compliance and guidance material. CAP 804 is a loose leaf publication so that individual pages can be added or replaced as and when necessary. It is available on the CAA website and as hard copy from TSO.
- 11.3 The UK has approximately 55,000 pilots' licence holders. On average, the CAA sends out 70 new or amended licences every working day, or approximately 1500 per month. It is difficult to estimate the number of national (non-JAR) licences that will need to be converted, but it is likely to be in the region of 15,000 to 20,000. If these are spread evenly over the transition period (which is unlikely), the CAA will need to complete at least 500 additional licence transactions

per month from September 2012 onwards. We must also expect a significant increase in enquiries by telephone and e-mail in 2012.

12. Conclusions and further information.

The EU legislation that came into force in April 2012 is changing the legal basis for the licensing of pilots. These changes affect many UK licence holders. The primary effects are explained in this document. More detailed information is provided in CAP 804 .

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13. List of Attachments

1. Categorisation of EASA and non-EASA aircraft.
2. The scope of the Light Aircraft Pilot's Licences (LAPL).
3. EASA licences and UK licences from April 2012.
4. Effect of the ANO changes on UK national licences and the route to conversion if required.
5. The flexibility provisions of Article 14 of Regulation 216/2008.

Attachment 1 - Categorisation of EASA and non-EASA aircraft

The categorisation of aircraft as EASA or Non-EASA is determined by Article 4 and Annex II of Regulation 216/2008 (the Basic EASA Regulation)

Article 4

The applicability of Regulation 216/2008 to licensing is set out in Article 4 of that regulation. Relevant extracts are copied here for ease of reference:

Article 4

Basic principles and applicability

1. Aircraft, including any installed product, part and appliance, which are:
 - (a); or
 - (b) registered in a Member State, unless their regulatory safety oversight has been delegated to a third country and they are not used by a Community operator; or
 - (c) registered in a third country and used by an operator for which any Member State ensures oversight of operations or used into, within or out of the Community by an operator established or residing in the Community; or
 - (d) registered in a third country, or registered in a Member State which has delegated their regulatory safety oversight to a third country, and used by a third-country operator into, within or out of the Communityshall comply with this Regulation.
2. Personnel involved in the operations of aircraft referred to in paragraph 1(b), (c) or (d) shall comply with this Regulation.
.....
.....
4. Paragraph 1 shall not apply to aircraft referred to in Annex II.
5. Paragraphs 2 shall not apply to aircraft referred to in Annex II, with the exception of aircraft referred to in points (a)(ii), (d) and (h) thereof when used for commercial air transportation.

Interpretation of Article 4 -

Paragraph 2 requires pilots to be licensed according to the EASA Regulation.

Paragraph 5 excludes pilots from the European licensing requirements of the EASA if they are flying Annex II "non-EASA" aircraft, unless:

- (i) the aircraft is a historic aircraft, an ex-military aircraft, or a replica of these; and
- (ii) the flight is for commercial air transport (e.g. the carriage of passengers in return for payment);

in which case an EASA licence is required.

Annex II to Regulation 216/2008

The full text of Annex II to Regulation 216/2008 is reproduced below for ease of reference. Please note that:

1. the classifications of aircraft registered in the UK with respect to Annex II have already been established during the transition to the European Implementing Rules for airworthiness; and
2. the UK Air Navigation Order definition of a microlight aeroplane matches paragraph (e) of Annex II in respect of aeroplanes.

ANNEX II (to the Basic EASA Regulation - 216/2008)
Aircraft referred to in Article 4(4)

Article 4(1), (2) and (3) do not apply to aircraft falling in one or more of the categories set out below:

- (a) historic aircraft meeting the criteria below:
 - (i) non-complex aircraft whose:
 - initial design was established before 1 January 1955, and
 - production has been stopped before 1 January 1975;
 - or
 - (ii) aircraft having a clear historical relevance, related to:
 - a participation in a noteworthy historical event, or
 - a major step in the development of aviation, or
 - a major role played into the armed forces of a Member State;
- (b) aircraft specifically designed or modified for research, experimental or scientific purposes, and likely to be produced in very limited numbers;
- (c) aircraft of which at least 51 % is built by an amateur, or a non-profit making association of amateurs, for their own purposes and without any commercial objective;
- (d) aircraft that have been in the service of military forces, unless the aircraft is of a type for which a design standard has been adopted by the Agency;
- (e) aeroplanes, helicopters and powered parachutes having no more than two seats, a maximum take-off mass (MTOM), as recorded by the Member States, of no more than:
 - (i) 300 kg for a land plane/helicopter, single-seater; or
 - (ii) 450 kg for a land plane/helicopter, two-seater; or
 - (iii) 330 kg for an amphibian or floatplane/helicopter single-seater; or
 - (iv) 495 kg for an amphibian or floatplane/helicopter two-seater, provided that, where operating both as a floatplane/helicopter and as a land plane/helicopter, it falls below both MTOM limits, as appropriate;
 - (v) 472,5 kg for a land plane, two-seater equipped with an airframe mounted total recovery parachute system;
 - (vi) 315 kg for a land plane single-seater equipped with an airframe mounted total recovery parachute system;and, for aeroplanes, having the stall speed or the minimum steady flight speed in landing configuration not exceeding 35 knots calibrated air speed (CAS);
- (f) single and two-seater gyroplanes with a maximum take off mass not exceeding 560 kg;
- (g) gliders with a maximum empty mass, of no more than 80 kg when single seater or 100 kg when two-seater, including those which are foot launched;
- (h) replicas of aircraft meeting the criteria of (a) or (d) above, for which the structural design is similar to the original aircraft;
- (i) unmanned aircraft with an operating mass of no more than 150 kg;
- (j) any other aircraft which has a maximum empty mass, including fuel, of no more than 70 kg.

Attachment 2 - The scope of the Light Aircraft Pilot's Licences

It is the CAA's interpretation that the deferred implementation of the LAPL means that pilots may continue to fly aircraft that are within the scope of the LAPL under national regulations, until the LAPL is mandatory. The scope of the LAPL is summarised below using extracts from the currently proposed Part FCL.

It will be seen that overall the scope is limited to private flight with no remuneration to the pilot, with up to 2000kg weight (except balloons and airships) and up to 4 occupants.

GENERAL RESTRICTION TO PRIVATE FLIGHTS WITH NO REMUNERATION

FCL.105 LAPL — General privileges and conditions

General. The privileges of the holder of a LAPL are to act without remuneration as PIC in non-commercial operations on the appropriate aircraft category.

AEROPLANES AND TOURING MOTOR GLIDERS

FCL.105.A LAPL(A) — Privileges

The privileges of the holder of a LAPL for aeroplanes are to act as PIC on single-engine piston aeroplanes-land or TMG with a maximum certificated take-off mass of 2000 kg or less, carrying a maximum of 3 passengers, such that there are never more than 4 persons on board of the aircraft.

HELICOPTERS

FCL.105.H LAPL(H) — Privileges

The privileges of the holder of a LAPL for helicopters are to act as PIC on single-engine helicopters with a maximum certificated take-off mass of 2000 kg or less, carrying a maximum of 3 passengers, such that there are never more than 4 persons on board.

SAILPLANES AND SELF-LAUNCHING MOTOR GLIDERS

FCL.105.S LAPL(S) — Privileges and conditions

The privileges of the holder of a LAPL for sailplanes are to act as PIC on sailplanes and powered sailplanes.

BALLOONS AND HOT AIR AIRSHIPS

FCL.105.B LAPL(B) — Privileges

The privileges of the holder of a LAPL for balloons are to act as PIC on hot-air balloons or hot-air airships with a maximum of 3400 m³ envelope capacity or gas balloons with a maximum of 1200 m³ envelope capacity, carrying a maximum of 3 passengers, such that there are never more than 4 persons on board of the aircraft.

Attachment 3 - EASA licences and UK licences from 17th September 2012

In the table, the left column shows the licences proposed under Part-FCL. The column on the right shows the licences that the CAA intends to make provision for under the Air Navigation Order.

| EASA Licence | UK Licence |
|---------------------|----------------------------------|
| Fixed Wing | |
| ATPL(A) | ATPL(A)* |
| MPL | Not Available |
| CPL(A) | CPL(A)* |
| PPL(A) | PPL(A)* |
| LAPL(A) | NPPL(A) SSEA |
| Not Available | NPPL(A) Microlight |
| LAPL(S) with TMG | NPPL(A) SLMG |
| LAPL(S) | Not Available |
| SPL | CPL(Glider) |
| Helicopters | |
| ATPL(H) | ATPL(H)* |
| CPL(H) | CPL(H)* |
| PPL(H) | PPL(H)* |
| LAPL(H) | NPPL(H)* |
| Gyroplanes | |
| Not Available | PPL (Gyroplane) |
| Balloons | |
| BPL | CPL(B), PPL(Balloons & Airships) |
| LAPL(B) | Not Available |
| Airships | |
| ATPL(As) | Not Available |
| CPL(As) | CPL(Airships) |
| PPL(As) | PPL(Balloons & Airships) |

- Any UK licence marked * (shaded) will only be granted to applicants who comply with the requirements for the equivalent EASA licence and the relevant national rating.
- New UK ATPL, CPL and PPL issued from 17th September 2012 and balloon, airship and NPPL(A) licences issued after 8th April 2015 are not convertible to EASA licences.

| Non-EASA Ratings that may be included in UK licences | |
|---|------------------------------|
| SSEA | Within EASA Aeroplane rating |
| SLMG | Within EASA TMG rating |
| Microlight (and associated instructors) | Non-EASA Class |
| Gyroplane (and associated instructors) | Non-EASA Class |
| IMC | Non-EASA General |
| Jetstream 3102, s/n 614 | Research/Scientific |
| BAE 146-301 ARA | Research/Scientific |
| PBY-5A Catalina | Vintage |
| Douglas DC-3 | Vintage |
| Douglas DC-6 | Vintage |
| Scottish Aviation Twin Pioneer | Vintage |
| Agusta/Westland/Bell 47 | Vintage |
| Brantly B-2 | Vintage |
| Hiller UH12 | Vintage |
| SA316B Alouette III | Vintage |
| SE313/3130 Alouette II | Vintage |
| SARO Skeeter | Ex-military |
| Westland Gazelle | Ex-military |
| Westland Scout | Ex-military |
| Westland Wasp | Ex-military |
| Rotorway Executive / Scorpion Series | Amateur-built |

(The licensing of pilots for other ex-military aircraft that are not within the standard class ratings is managed in accordance with CAP 632).

Attachment 4 - Effect of the ANO changes on UK national licences and the route to conversion if required.

In this table Annex II refers to Annex II of the Aircrew Regulation 1178/2011 (not Regulation 216/2008).

| Licence currently or previously issued under the ANO | Proposed change under the ANO | Effect or Provision under EU legislation | Licence post transition | Validity |
|--|---|--|---|--|
| JAR-FCL licences - fully compliant with JAR-FCL (NOT restricted to UK-registered aircraft) | Deleted from the ANO in 2012. | Automatic conversion to equivalent Part-FCL licence with Part-FCL ratings; remain valid as UK licences for UK specific ratings until replaced by Part-FCL licence. | Part-FCL licence with Part-FCL ratings; plus UK licence with UK specific ratings where those ratings are held (and class ratings held) | Part-FCL licence valid for EASA aircraft and non-EASA aircraft within class ratings held. UK licence valid for non-EASA aircraft when UK specific rating is exercised |
| JAR ATPL(A), CPL(A), or ATPL(H) marked "Valid for UK registered aircraft" | Becomes a UK ATPL(A), CPL(A), or ATPL(H) as applicable. | A Part-FCL licence with Part-FCL ratings may be issued in accordance with Annex II. | Equivalent Part-FCL Licence with Part-FCL ratings; plus UK licence with UK specific ratings where those ratings are held (and class ratings held) | Part-FCL licence valid for EASA aircraft and non-EASA aircraft within class ratings held. UK licence valid for non-EASA aircraft when UK specific rating is exercised |
| Basic CPL(A) without the restrictions below. | Becomes a UK CPL(A) | A Part-FCL CPL(A) with Part-FCL ratings may be issued in accordance with Annex II. | Part-FCL CPL(A) with Part-FCL ratings; plus UK CPL(A) with UK specific ratings where those ratings are held (and class ratings held) | Part-FCL licence valid for EASA aircraft and non-EASA aircraft within class ratings held. UK licence valid for non-EASA aircraft when UK specific rating is exercised |

| Licence currently or previously issued under the ANO | Proposed change under the ANO | Effect or Provision under EU legislation | Licence post transition | Validity |
|---|---|---|---|---|
| Restricted Basic CPL(A) - that is marked that the holder is restricted not to undertake Public Transport or Aerial Work, except Aerial Work that is limited to: flying instruction and flying tests; or the towing of gliders; or flying displays; or parachute dropping. | Becomes a UK PPL(A) (with FI, if FI privileges included previously) | A Part-FCL PPL(A) with Part-FCL ratings, including FI(A) where applicable, may be issued in accordance with Annex II. | Part-FCL PPL(A) with Part-FCL ratings; plus UK PPL(A) with UK specific ratings where those ratings are held (and class ratings held) | Part-FCL licence valid for EASA aircraft and non-EASA aircraft within class ratings held. FI may be paid for flying instruction. UK licence valid for non-EASA aircraft when UK specific rating is exercised |
| UK ATPL(A), ATPL(H), CPL(A), CPL(H) | No change to existing licences. Provision to issue new licences to be added. | A Part-FCL licence with Part-FCL ratings may be issued in accordance with Annex II. | Equivalent Part-FCL Licence with Part-FCL ratings; plus UK licence with UK specific ratings where those ratings are held (and class ratings held) | Part-FCL licence valid for EASA aircraft and non-EASA aircraft within class ratings held. UK licence valid for non-EASA aircraft when UK specific rating is exercised |
| Any aeroplane PPL (except any NPPL, PPL(Microlight only), PPL(Group D only)) | Will become a UK PPL(A) | A Part-FCL PPL(A) with Part-FCL ratings may be issued in accordance with Annex II. | Part-FCL PPL(A) with Part-FCL ratings; plus UK PPL(A) with UK specific ratings where those ratings are held (and class ratings held) | Part-FCL licence valid for EASA aircraft and non-EASA aircraft within class ratings held. UK licence valid for non-EASA aircraft when UK specific rating is exercised |

| Licence currently or previously issued under the ANO | Proposed change under the ANO | Effect or Provision under EU legislation | Licence post transition | Validity |
|--|-------------------------------|--|---|--|
| UK PPL(Helicopters) | No change | A Part-FCL PPL(H) with Part-FCL ratings may be issued in accordance with Annex II. | Part-FCL PPL(H) with Part-FCL ratings; plus UK PPL(H) with UK specific ratings where those ratings are held | Part-FCL licence valid for EASA aircraft and non-EASA aircraft within class ratings held. UK licence valid for non-EASA aircraft when UK specific rating is exercised |
| NPPL(SSEA) | No change | Conversion report to LAPL(A) | LAPL(A) | Part-FCL licence valid for EASA aircraft and non-EASA aircraft within class ratings held. |
| NPPL(SLMG) | No change | Conversion report to LAPL(A) with TMG rating, or LAPL(S) with TMG rating | LAPL(A) with TMG or LAPL(S) with TMG | Part-FCL licence valid for EASA aircraft and non-EASA aircraft within class ratings held. |
| NPPL(SSEA, SLMG, Microlight) | No Change | Conversion report to LAPL(A). | LAPL(A) and NPPL(M) | Part-FCL licence valid for EASA aircraft. NPPL(M) for UK microlights. |
| Any microlight licence (that has contained no privilege other than to fly microlight aeroplanes) | No Change | No EASA equivalent | As currently | UK microlights. |
| PPL(Gyroplanes) | No change | No EASA equivalent | PPL(G) | UK light gyroplanes |

| Licence currently or previously issued under the ANO | Proposed change under the ANO | Effect or Provision under EU legislation | Licence post transition | Validity |
|---|--------------------------------------|---|--------------------------------|---|
| PPL(Balloons and Airships) | No change | Conversion report to LAPL(B) or BPL | LAPL(B) or BPL | Part-FCL licence valid for EASA aircraft and non-EASA aircraft within group ratings held. |
| CPL(Balloons) | No change | Conversion report to LAPL(B) or BPL depending on the EASA Medical Certificate held. | LAPL(B) or BPL | Part-FCL licence valid for EASA aircraft and non-EASA aircraft within group ratings held. |
| BGA Gliding Certificates | N/A | Conversion report to SPL and LAPL(S) | SPL or LAPL(S) | All Sailplanes |

Attachment 5 - The flexibility provisions of Article 14 of Regulation 216/2008

There is no provision in the EU legislation for EASA to vary the implementing rules for particular circumstances. Regulation 216/2008 provides some flexibility to Member States under Article 14. These allow member States not to apply, or to alleviate the application of the rules subject to certain criteria and subject to review and direction by the European Commission. Article 14 should be referred to for the definitive text; an interpretation of the text is set out below:

Exemptions - Article 14(4) / (5)

Circumstances in which Member State may act

Member States may grant exemptions from the substantive requirements laid out in the EASA Regulation and its implementing rules in the event of unforeseen urgent operational circumstances or operational needs of a limited duration, provided the level of safety is not adversely affected. The Agency, the Commission and other Member States must be notified where such exemptions become repetitive or are granted for periods of more than two months.

Commission review procedure

The Commission will examine the exemptions and consider whether they comply with the general safety objective of the EASA Regulation or any other rule of Community law. If they do not, the Commission may require the Member State to revoke the exemption.

Equivalent Level of Protection - Article 14(6) / (7)

Circumstances in which Member State may act

Where an equivalent level of protection to that attained by the application of the implementing rules can be achieved by other means, Member States may grant approvals which depart from the implementing rules. In such cases the Member State must first notify the Commission of its intention giving reasons for the need to depart from the rule as well as the conditions it intends to impose to ensure an equivalent level of protection.

Commission review procedure

Within two months of such notification the Commission must issue a recommendation on whether the intended approval may be granted.
