



Miscellaneous

No: 1171

EASA Aircrew Regulations

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Derogations

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**Amended use of Derogations Notified to the European Commission by the United Kingdom under Article 12 of the Aircrew Regulation effective 8 April 2016**

Pursuant to article 12(7) of the Aircrew Regulation (Regulation (EU) No. 1178/2011 (as amended)), the United Kingdom has amended its notification to the European Commission of the derogations that it is applying pursuant to article 12(1)-(6) within the territory of the United Kingdom and Northern Ireland. This notification takes account of the amendments to the Aircrew Regulation.

The United Kingdom's use of the derogations from 8 April 2016 is set out below. Previously notified derogations available only up to 8 April 2016 are omitted from this revised list as not being relevant after that date.

The notification published in ORS4 No. 1091 is withdrawn with effect from 8 April 2016.

**Derogations**

**1) Deferring the Requirement to Hold a Part-FCL Licence for Balloons or Sailplanes until 8 April 2018**

Pursuant to article 12(2a)(a) from 8 April 2016 until 8 April 2018, Annex I (Part-FCL) will not apply to any person who is flying a UK registered balloon while exercising the privileges of a pilot licence granted or rendered valid under United Kingdom legislation or to a person who is flying a sailplane or powered sailplane in accordance with UK national legislation.

**Reason:** To enable any such person to continue to fly UK registered balloons, sailplanes and powered sailplanes under UK national legislation until it is mandatory to hold a Part-FCL licence, or to allow such a person to be granted a Part-FCL licence and to fly such an aircraft by exercising the privileges of a Part-FCL licence.

**2) Deferring the Requirement to Hold a Light Aircraft Pilots Licence for Aeroplanes or Helicopters until 8 April 2018**

Pursuant to article 12(2a)(b) from 8 April 2016 until 8 April 2018, the provisions of Subpart B of Part-FCL will not apply to any person who is flying a UK registered aeroplane on a flight that is within the privileges of the LAPL(A) or is flying a UK registered helicopter on a flight that is within the privileges of the LAPL(H), when that person is exercising the privileges of an appropriate pilot licence granted or rendered valid under United Kingdom legislation.

**Reason:** To enable any such licence holder to continue to fly such aircraft under UK national legislation until it is mandatory to hold a LAPL(A) or LAPL(H) dependent upon the aircraft category, or to allow such a person to be granted a LAPL(A) or LAPL(H) and to fly such aircraft by exercising the privileges of that LAPL(A) or LAPL(H).

**3) Deferring the Requirements to Hold the Aerobatic, Towing, and Mountain Ratings; and Mountain Instructor Certificates until 8 April 2018**

Pursuant to article 12(2a)(c) and (d) from 8 April 2016 until 8 April 2018:

- a) points FCL.800, FCL.805, FCL.815 and FCL.820 of Part-FCL; and
- b) section 10 of Subpart J

will not apply to any person who holds a pilot licence granted or rendered valid under United Kingdom legislation or who holds a Part-FCL licence, when flying a UK registered aeroplane in circumstances when they would otherwise require a certificate or rating under any of the above provisions, until the holder of the licence holds or is required to hold the appropriate certificate or rating under such provisions.

**Reason:** To enable any such licence holder to fly for the afore-mentioned purposes without the ratings or certificates required for those purposes under the provisions of Part-FCL until 8 April 2018.

**4) Deferring the Application of Part-ORA and Part-ARA to Organisations Conducting the Specified Activities until 8 April 2018**

Pursuant to article 3(3) of the amending regulation from 8 April 2016 until 8 April 2018, Annex VII (Part-ORA) will not apply to any organisation providing training for the issue of a licence or rating granted under United Kingdom legislation or a certificate issued by the British Gliding Association that is eligible in accordance with Article 4(3) for conversion into a light aircraft pilot licence, private pilot licence, balloon pilot licence or sailplane pilot licence, whose principal place of business is in the United Kingdom until that organisation is issued a Part-ORA organisation certificate.

**Reason:** To allow any organisation to continue to provide training for UK national qualifications that may be converted to Part-FCL licences until the organisation qualifies for the issue of an organisation certificate under Part-ORA, or by 8 April 2018 at the latest.

**5) Deferring the Application of the requirements of Annex III of EU Reg 1178/2011 either to hold a Part-FCL licence or to obtain Validation of Third Country Licences for Flights in Aircraft Registered in a Third Country or in a Member State**

- a) Pursuant to Article 12(4), the provisions of this regulation will not apply to any holder of a licence and any associated medical certificate issued by or on behalf of any third country where:
  - i) there is no agreement concluded between the European Union and the third country covering pilot licences;
  - ii) the holder does not comply with the conversion requirements of Annex III;
  - iii) the holder wishes to exercise the privileges of the licence on a flight which is in an aircraft specified in article 4(1)(b) or 4(1)(c) of Regulation (EC) No. 216/2008.

- b) The dates during which the above derogation shall be effective are as stated below. Beyond the dates stated, licence holders will be required to have taken the steps necessary to have their licences validated in accordance with the requirements of Annex III to EU Regulation 1178/2011:
- i) where flights are non-commercial and the pilot does not receive any remuneration or other valuable consideration for their services as such: from 8 April 2016 until 8 April 2017.
  - ii) where flights may be considered commercial or the pilot receives any remuneration or other valuable consideration for their services as such: from 8 April 2016 until 25 August 2016.

**Reason:** To allow the holder of a third country licence time to have their licence validated in accordance with Annex III of the Aircrew Regulation (EU Reg 1178/2011), where the licence is valid under the law of the State of Registry of the aircraft.

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