

Issued: 20 October 2014

The Further Deferment, until 8 April 2016, of the Requirement to Hold a Part-FCL Licence (or a European Validation of a Third Country Licence) for Aircraft Engaged in Non-commercial Flights

This Information Notice contains information that is for guidance and/or awareness.

Recipients are asked to ensure that this Information Notice is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

Applicability:	
Aerodromes:	Not primarily affected
Air Traffic:	Not primarily affected
Airspace:	Not primarily affected
Airworthiness:	Not primarily affected
Flight Operations:	AOCs using pilots who are holders of licences issued by countries outside of the EASA Member States ('third country licences')
Licensed/Unlicensed Personnel:	All pilots holding licences issued by countries outside of the EASA Member States ('third country licences')

1 Introduction

- 1.1 This Information Notice replaces IN-2013/206.
- 1.2 The requirement to hold a Part-FCL licence or a European validation of a third country licence in order to fly any aircraft that is registered in Europe or is flown by an EU-based operator and is engaged in non-commercial flights is to be deferred again. It is now expected to become effective on **8 April 2016**.
- 1.3 The European Aviation Safety Aviation (EASA) Aircrew Regulation (Regulation (EU) No. 1178/2011 as amended) requires all pilots flying aircraft that are subject to European rules to hold a Part-FCL licence or a European validation of a third country licence. However, the Aircrew Regulation permits the Member States to defer the application of certain rules until specified dates.
- 1.4 For pilots who hold pilot licences issued by third countries, the UK has already deferred until 8 April 2015 the requirement to obtain a Part-FCL licence or a validation of their third country licences to conduct non-commercial flights in UK registered aircraft, or in aircraft registered elsewhere that are used by operators based in the UK. This is the maximum period allowable under the Aircrew Regulation as presently published. However, the next amendment of the

Aircrew Regulation will allow the application of this requirement to be deferred until 8 April 2016, and the UK will do so.

- 1.5 A 'third country licence' means a licence issued by a country that is not an EASA Member State.
- 1.6 The EASA Member States are the EU Members plus Norway, Iceland, Switzerland and Liechtenstein.

2 Scope

- 2.1 This information applies to pilots who hold third country licences who intend to fly UK-registered aircraft, or aircraft registered in any country that are used by operators located in the UK. The next amendment of the Aircrew Regulation will change the latest date for the use of the derogation under Article 12(4) of that regulation from 8 April 2015 to 8 April 2016. The UK will make full use of that derogation.
- 2.2 Applying this revised derogation has the effect that, up to 8 April 2016:
 - i) the pilots of aircraft registered outside the EU that are used by operators having their principal place of business in the UK, do not require Part-FCL licences or European validations of their third country licences, provided that the flight is not for commercial operations (as defined in the Basic EASA Regulation (EU 216/2008)); and
 - ii) pilots who hold licences from other countries may fly UK registered aircraft for private purposes in accordance with the provisions of UK legislation - the Air Navigation Order 2009.

Note: Under EU legislation JAR-FCL and Part-FCL licences issued by EASA Member States remain valid for all UK-registered aircraft that are subject to EU rules.

The provision of (ii) above - to fly UK-registered aircraft using the national licence of a non EASA State - is subject to the restrictions (in the Air Navigation Order) that the provision does not entitle the licence holder:

- a) to act as a member of the flight crew of any aircraft flying for the purpose of commercial air transport, public transport or aerial work or on any flight for which the holder receives remuneration for services as a member of the flight crew; or
 - b) to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules or to give any instruction in flying.
- 2.3 The provisions set out in paragraph 2.2(ii) that allow a third country licence to be used only apply to licences that are compliant with the standards established under Annex I to the International Convention on Civil Aviation, also known as "ICAO standards". Licences issued in compliance with the Convention are often referred to as 'ICAO licences' or licences issued in accordance with ICAO Annex I. Some countries issue licences that do not comply with ICAO standards.
 - 2.4 Pilots with third country licences who intend to fly UK-registered aircraft for non-commercial purposes prior to 8 April 2016, but outside of the restrictions set out in paragraph 2.2 (ii) above, must obtain a validation issued under the Air Navigation Order 2009 from the CAA before undertaking such flights.

3 Summary

- 3.1 The Article 12(4) derogation against the European pilot licensing requirements, applicable to non-commercial flights, that was due to end on 8 April 2015 will remain in place in the UK until 8 April 2016.

4 **Queries**

- 4.1 Any queries or requests for further guidance as a result of this communication should be addressed to:

Licensing
Shared Services Centre
Civil Aviation Authority
GE, Aviation House
Gatwick Airport
RH6 0YR

Or e-mail FCLWEB@caa.co.uk

5 **Cancellation**

- 5.1 This Information Notice will remain in force until 1 December 2016.