

Issued: 20 December 2013

**The Deferment of the requirement to hold a Part-FCL Licence (or a European Validation of a 3<sup>rd</sup> Country Licence) for Aircraft engaged in non-commercial flights until 8 April 2015**

**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).

<b>Applicability:</b>	
<b>Aerodromes:</b>	
<b>Air Traffic:</b>	
<b>Airspace:</b>	
<b>Airworthiness:</b>	
<b>Flight Operations:</b>	AOCs using pilots who are holders of licences issued by countries outside of the EASA Member States ('third country licences')
<b>Licensed/Unlicensed Personnel:</b>	All pilots holding licences issued by countries outside of the EASA Member States ('third country licences')

**1. Introduction**

- 1.1 The requirement to hold a Part-FCL licence or a European validation of a 3rd 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 until 8 April 2015**. A '3rd country licence' means a licence issued by a country that is not an EASA Member State. The EASA Member States are the EU Members plus Norway, Iceland, Switzerland and Liechtenstein.
- 1.2 The EASA Aircrew Regulation requires all pilots flying EASA aircraft that are subject to European rules to hold a Part-FCL licence or a validation issued by the UK or another EASA State in accordance with the Aircrew Regulation (Regulation (EU) No. 1178/2011 as amended).
- 1.3 The implementation date of the Aircrew Regulation in the UK was 17 September 2012 (this remains unchanged).
- 1.4 In accordance with the Aircrew Regulation, Member States were permitted to defer the application of certain provisions of the Aircrew Regulation until specified later dates.
- 1.5 The UK elected to defer until 8 April 2014 the mandatory requirement for pilots holding licences issued by 3rd countries to obtain a Part-FCL licence or a validation of their 3rd country licences in order to conduct **non-commercial activities** 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 2015.

## 2. Scope

- 2.1 All pilots holding 3rd country licences (i.e. from countries that are not EASA Member States) who intend to fly UK-registered aircraft, or aircraft registered in any country that are used by operators located in the UK, are advised that the adoption process for the next amendment of the European Aircrew Regulation has commenced. The next amendment of the Aircrew Regulation will change the latest date for the use of the derogation available under Article 12(4) of that regulation from 8 April 2014 to 8 April 2015 and the UK will make full use of that derogation.
- 2.2 The application of this revised derogation has the effect that, up to 8 April 2015:
- i) the pilots of aircraft registered outside the EU used by operators having their principal place of business in the UK, do not require Part-FCL licences or European validations of their 3rd 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 (that are not made valid for UK registered aircraft under European legislation) may fly UK registered aircraft for private flights 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 with the national licences of other States - 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 legal provision to 3rd country licences in accordance with paragraph 2.2 (without the grant of an individual validation certificate) only applies to licences that satisfy the relevant standards established under the Chicago Convention - 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 Standards. Some countries issue licences that do not comply with ICAO standards.
- 2.4 Pilots with 3rd country licences who intend to fly UK-registered aircraft for non-commercial purposes prior to 8 April 2015, 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 current Article 12(4) derogation against the European pilot licensing requirements applicable to non-commercial flights that was due to end on 8 April 2014 will remain in place for the UK until 8 April 2015.

**4. Queries**

- 4.1 Any queries or further guidance about this Information Notice should be addressed to [fclweb@caa.co.uk](mailto:fclweb@caa.co.uk)

**5. Cancellation**

- 5.1 This Information Notice shall remain in force until 1 December 2015.