

TRANSITION TO EASA REGULATIONS FOR FLIGHT CREW LICENCES IN THE UK

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WARNING:

The information in this presentation represents the CAA's interpretation (in November 2010) of proposed legislation that is not final, and is therefore subject to change. Even if there are no further changes, it may be found in the future that EASA has a different interpretation and so the CAA's position may change following discussion and agreement with the Agency and other National Aviation Authorities.

The proposals set out in this document are preliminary for discussion.

CAA Information on licensing and EASA:

We have opened a dedicated page on our website where information will appear –

www.caa.co.uk

“Safety Regulation”, “EASA”

“EASA – Licensing & Training Standards”

The document –

“European Legislation – The expected effects on the licensing of pilots in the UK”

may be found on this page. This will be revised and/or supplemented with other documents on this webpage as more information becomes available.

The proposed legislation:

**EASA-FCL – to replace JAR-FCL 1 & 2
(similar but not the same).**

Part-MED - to replace JAR-FCL 3

**Part-OR - new requirements for the
approval of organisations; (all
registered facilities to become
approved organisations).**

**Part-AR - new requirements that National
Aviation Authorities must comply
with.**

The proposed legislation:

Under proposed EU regulations a pilot must have an EASA licence (or an individual validation of a non-EU licence) to fly an aircraft that is within the scope of EASA's regulations. National licences will remain valid for non-EASA aircraft.

(This means that when the EASA regulations come fully into force a lifetime UK PPL(A) with SEP Class Rating will not be a valid licence for the Cessna 172, Piper Pa28, etc, wherever registered, but will remain valid for the Auster, Tigermoth and other "non-EASA" aircraft).

**EU rules apply to all aircraft (wherever registered)
except:**

Microlights.

Light Gyroplanes.

Amateur-built aircraft.

Ex-military Aircraft, (and replicas of these)*.

Vintage/Historic aircraft (designed before 1955).

Complex Historic aircraft (and replicas of these)*.

Research / scientific aircraft.

Light gliders, including foot-launched

UAVs with an operating mass of less than 150kg

Any aircraft under 70 kg without pilot.

Plus - State Aircraft (including military, Police, SAR)

**These aircraft will remain under national rules, (except those marked * when used for Commercial Air Transport).
(CAP 747 lists EASA and Non-EASA aircraft types).**

EUROPEAN RULEMAKING TIMETABLE

RULE	CRD Publication	Opinion	Published as law
Part-FCL	April 2010	August 2010	?
Part-MED	15 June 2010	December 2010	?
Part-AR	August 2010	February 2011	?
Part-OR	August 2010	February 2011	?
Part-OPS	October 2010	April 2011	?

We expect all to be applicable from 8th April 2012

NPA for simplified Instrument rating due 1st quarter 2011

There are three distinct areas of work for the CAA:

- to be ready to issue new licences, medicals and organisation approvals in accordance with EASA rules – Parts FCL, MED, OR, and AR;**
- conversion of existing licences and approvals into appropriate EASA equivalents; and**
- consolidation of the remaining national licences, medicals, and approvals into a coherent and manageable system.**

Expected effects and timetable – New EASA Licences

From 8th April 2012:

The CAA must be ready to issue new EASA licences that are equivalent to the JAR-FCL licences we currently issue; including all EASA ratings. This will enable the CAA to issue new licences and to replace JAR licences that are expiring or being amended.

**There is expected to be an opt-out period of 3 years for the grant of new EASA licences that have no JAR equivalent –
- Light Aircraft Pilots licence (Aeroplane / Helicopter / Sailplane / Balloon), and SPL(Sailplane), BPL(Balloon).**

The CAA may have to defer accepting applications for LAPL, SPL and BPL until sometime after April 2012; pilots will be able to continue to fly (at least in the UK) under national arrangements, for the period of the opt out.

Expected effects and timetable – JAR Licences 1

From 8th April 2012:

All current JAR-FCL licences (unrestricted) become EASA licences – and on expiry will be re-issued as non-expiring EASA licences, (note that there is no choice about this);

All current JAR-FCL 3 medicals become EASA medicals;

All new applicants for European licences will be issued with non-expiring EASA licences;

When renewed, re-issued or amended, all JAR-FCL licences will be sent out as non-expiring EASA licences.

Expected effects and timetable – JAR Training 2

From 8th April 2012 – assuming proposed opt outs are given from this date:

All currently approved organisations and approved courses become EASA-approved for up to 2 years. Organisations and courses must be demonstrated to be in compliance with Part OR and Part FCL by 8th April 2014;

Registered Facilities may continue to instruct for PPLs until 8th April 2015; after that only Approved Training Organisations will be able to train for any EASA licence. (3 year transition for Registered facilities)

Pilots whose training period includes the 8th April 2012 will be credited with training prior to 8th April 2012 for up to 4 years – (8/4/2016).

And, taking account of the above, may continue on the same JAR course until 8th April 2014.

(Note: This may affect whether JAR “frozen” ATPL exam credits – 7 years - can be credited beyond 8th April 2016).

Expected effects and timetable – National Licences 1

From 8th April 2012 – assuming the proposed opt outs are given from this date:

Member State National (non-JAR) licences may continue to be used for all EASA aeroplanes and helicopters for up to 2 years – to 8th April 2014.

Member State National licences may continue to be used for other aircraft and aeroplanes and helicopters within the scope of the LAPL (with privileges limited to those of the LAPL, and to G-registered aircraft) for up to 3 years – to 8th April 2015.

(Note: At present we are assuming that this means that national rules still apply, so that EASA gliders may continue to be flown for private purposes in the UK without licences in this period – but flying in Europe without licences may be a problem).

Pilots who fly non-EASA aircraft only using Member State national licences / national rules may continue to do so, unaffected by EU regulations.

Expected effects and timetable – National Licences 2

From 8th April 2012 – assuming the proposed opt outs are given from this date:

Anyone with a Member State national licence wishing to fly EASA aircraft beyond 8th April 2014 (aeroplanes and helicopters over 2000kg) and 8th April 2015 (all other aircraft) will have to obtain an EASA licence by then.

The draft EASA FCL Regulation provides an Annex with conversion criteria for licences, aircraft and instructor ratings (essentially existing licence plus specified experience) – similar to the original JAR conversion criteria.

The regulation also allows the alternative of a “Conversion Report”, submitted by the NAA to EASA for agreement of the conversion terms.

Expected effects and timetable – National Licences 3

From 8th April 2012 – Validations (no opt outs):

Holders of 3rd Country licences will have to have an individual validation issued by the Member State where they are resident or established before flying an EASA aircraft registered in the EU, (even for private flight).

This may only be granted once, for one year. It may be extended once if the pilot is training for an EASA licence; the extension should allow a reasonable period to obtain that licence.

European and UK legal opinion is that the Basic Regulation makes the above also applicable to EASA aircraft that are registered in 3rd countries, but are flown within the EU by EU citizens with 3rd country licences. Final text of FCL Regulation awaited.

EASA aircraft and national aircraft – further aspects 1.

Use of EASA licences for Annex II and State aircraft.

The CAA intends to amend the ANO so that EASA licences with Class and Type ratings will be valid for non-EASA aircraft within the same Class and Type ratings – (avoiding the necessity to hold a national licence with SEP as well in order to fly an Auster, Tigermoth, or homebuilt aeroplane).

Pilots with EASA licences will then be able to fly EASA aircraft and most non-EASA aircraft.

EASA aircraft and national aircraft – further aspects 2.

Pilots with ratings for non-EASA aircraft.

Problems may arise where existing holders of JAR and national licences have ratings that are not included in Part-FCL, such as a type rating for a non-EASA aircraft.

There is no provision in Part-FCL or Part-AR to include national ratings on EASA licences.

To allow the flexibility to address such cases the CAA is considering re-introducing the UK PPL, UK CPL, and UK ATPL, alongside the NPPL(A), but valid for non-EASA aircraft only. This would provide for an ICAO licence to be issued to EASA licence holders as necessary to provide UK national ratings; (not valid for EASA aircraft).

Conversions – Example 1.

JAR-FCL licence with JAR/EASA ratings only.

The licence automatically becomes an EASA licence on 8th April 2012.

Ratings will be subject to EASA Part FCL revalidation / renewal rules.

When the licence expires or is amended by the CAA it will be replaced with a non-expiring EASA licence, showing the ratings that are valid on the date the new licence is issued.

(Part AR stipulates that an EASA licence must be re-issued whenever it is amended by the Competent Authority, and that only current ratings are shown on the new licence. Lapsed ratings may subsequently be added when the renewal requirements are met).

Conversions – Example 2.

JAR-FCL licence with JAR/EASA ratings and a microlight rating.

The licence automatically becomes an EASA licence on 8th April 2012 – it will also be valid under the ANO for Annex II aircraft, including microlights.

When the licence expires or is amended by the CAA it will be replaced with a non-expiring EASA licence, showing the EASA ratings that are valid.

If the microlight rating is also valid, a new UK PPL, CPL, ATPL or NPPL should be issued with the microlight rating entered on it.

(The EASA medical supporting the EASA licence will be acceptable for the UK national licence, including the NPPL)

Conversions – Example 3.

UK Non-JAR licence with JAR/EASA ratings only.

The licence must be presented for conversion before the appropriate opt out deadline, with evidence of having met the conversion criteria.

Subject to the conversion criteria having been met, a new non-expiring EASA licence will be issued, showing the EASA ratings that are valid on the date of issue.

If the pilot wishes to retain a national licence as well, application may be made for the appropriate national licence and a new licence - marked “Not valid for EASA aircraft” - should be issued with the appropriate Class ratings – (common to the EASA licence).

Conversions – Example 4.

UK Non-JAR licence with JAR/EASA and national ratings.

The licence must be presented for conversion before the appropriate opt out deadline, with evidence of having met the conversion criteria.

Subject to the conversion criteria having been met, a new non-expiring EASA licence will be issued, showing the EASA ratings that are valid on the date of issue.

And a new national licence may be issued - marked “Not valid for EASA aircraft” – carrying the same Class ratings as the EASA licence, and the valid national ratings. This may be a PPL, CPL or ATPL depending upon the original licence.

Proposal for rationalisation of the national rules and legacy licences.

The ANO should be amended such that, at the end of the EASA opt out periods, all remaining national licences are deemed to be NPPLs, UK PPLs, UK CPLs, or UK ATPLs (according to criteria in the ANO) and when next amended by the CAA, or an application, they will be re-issued as such.

As far as is practicable, the privileges of national licences should be the same as the EASA equivalents where these exist (except that they will not be valid for EASA aircraft).

For ratings on national licences that are the same as EASA ratings, EASA rules should apply in their entirety.

For UK national ratings on national licences, the same qualification and renewal requirements should apply to all licence holders.

National Licences – Important Notes.

- The Part-FCL Regulation stipulates that conversion terms are only available to national licences issued prior to 8th April 2012. Any national licence issued after that date will not be eligible for conversion.
- New UK PPLs, CPLs, ATPLs will be issued only to holders of EASA equivalent licences (to enable inclusion of national ratings); there will be no national training scheme to obtain these licences.
- The same should apply to new NPPLs with SSEA or SLMG ratings, so that they may be issued to LAPL holders; but there is little reason to issue new NPPLs for SSEA and SLMG to LAPL holders as there are no supplementary national ratings to add. (NPPLs will be issued for microlights and light gyroplanes as there are no EASA equivalents)
- Therefore, from April 2012 (plus opt outs), the only national licences that will be obtainable by national rules (without gaining an EASA licence) will be: Microlight; Gyroplane; and Unmanned Aircraft licences.

Proposal for future of IMC rating – Speculative.

Pilots who continue to hold UK national licences should be able to retain the IMC rating – but only for use on non-EASA aircraft.

***(Subject to confirmation)* - Where an applicant for an EASA licence holds a valid IMC rating that was first held before 8th April 2012, the entry on the EASA licence may be something like:**

**En Route Instrument Rating
Instrument Rating (Restricted UK)**

Restrictions – Instrument Rating restricted to UK registered aircraft in UK airspace, etc, etc (equivalent to current IMCr).

Other Issues:

Guidance Material - LASORS will have to be replaced by a new publication, (CAP). We may also have a CAP that will contain all UK AMCs.

Credit for military training – The current arrangements will cease on 8th April 2012. The draft FCL regulation makes provision for a crediting scheme that must be agreed by EASA. The MoD has been alerted to the need to produce a conversion report. This may be completed after 8th April 2012, but credit cannot be given until the report is agreed by EASA.

Exemptions – A formal exemption will be needed for every alleviation from any requirement. The scope for issuing exemptions in respect of EASA licensing rules will be under Article 14(4) and very restricted compared with current CAA discretion, and subject to being overruled by the Commission.

Summary:

- JAR licences become EASA licences and will be replaced on expiry or amendment.
- National licences will need to be replaced within specified dates (convert to JAR in 2011 and avoid the transition period?)
- National and EASA licences will be valid for (most) non-EASA aircraft.
- Pilots who fly non-EASA aircraft only may continue with national licences.
- No national ratings on EASA licences – Pilots may hold both national and EASA licences.
- New national licences cannot be converted into EASA licences.
- All non-EU licences must be validated for flight of aircraft registered in the EU – (and outside the EU)
- Training schools to be compliant within 2 years.
- Training for non-commercial licences to be by ATOs only after 3 years.
- The Military credit scheme may be interrupted.
- Exemptions will be more limited.

EASA Exemptions

Regulation 216/2008 Article 14(4) / (5)

4. Member States may grant exemptions from the substantive requirements laid down in this 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 the other Member States shall be notified of any such exemptions as soon as they become repetitive or where they are granted for periods of more than two months.

EASA Exemptions

Regulation 216/2008 Article 14(4) / (5)

5. The Agency shall assess whether the exemptions notified by a Member State are less restrictive than the applicable Community provisions and, within one month of being notified thereof, shall issue a recommendation in accordance with Article 18(b) on whether these exemptions comply with the general safety objectives of this Regulation or any other rule of Community law.

If an exemption does not comply with the general safety objectives of this Regulation or any other rule of Community law, the Commission shall take a decision not to permit the exemption in accordance with the procedure referred to in Article 65(7). In such a case, the Member State concerned shall revoke the exemption.

Questions??