



## EUROPEAN LEGISLATION - THE EXPECTED EFFECTS ON THE LICENSING OF PILOTS IN THE UK.

March 2011 - Version 2.

**Important note** - *The information set out in this document and its attachments gives the CAA's expectations at the time of writing of the effects that European legislation will have on the licensing of pilots in the UK. As the legislation has not yet been finalised this information is subject to change. This document is intended to improve awareness and understanding of the forthcoming changes. It will be revised or replaced by other material as further information becomes available.*

### Summary

European (EU) legislation is going to change 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) that are to be enacted will be binding in UK law and will 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.
13. List of Attachments.

Note: The version of Part-FCL available on the EASA website as Opinion 04/2010 (dated August 2010), is not the text that was agreed by the EASA Committee in December 2010 to go forward as legislation. A number of changes were made at the committee stage. The information below is an interpretation of the later amended text that was agreed by the EASA Committee.

## 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 When the EU regulations for flight crew licensing come into force there will be 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, Part 2 of CAP 747 "Mandatory Requirements for Airworthiness", which may be found on the CAA website. ([www.caa.co.uk/cap747](http://www.caa.co.uk/cap747)).

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.

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 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). The ANO will be amended to be consistent with EU legislation, but the EU legislation will take effect on the dates specified in that legislation; not when the ANO 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 CAA intends to have the Air Navigation Order amended so that EASA licences with the appropriate class ratings will be valid for 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 Licensing System.**

- 2.1 Part-FCL will make provision for the granting of licences, ratings and authorisations that are equivalent to those currently issued under JAR-FCL. The requirements will be similar to, but not the same as, JAR-FCL. Part-FCL will also make provision for pilot licences for sailplanes, balloons, airships and 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 will also provide for a new Light Aircraft Pilot Licence (LAPL), which will not be compliant with ICAO Annex 1. This will be similar in concept to the current UK NPPL(A). However, the LAPL will be valid for flight throughout Europe using any aircraft registered in the EU that falls 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. The medical

requirements (Class 1, Class 2, and LAPL) are still to be finalised and will be enacted in the Part-MED Implementing Rules.

- 2.3 All Part-FCL licences, including LAPLs will be non-expiring “lifetime” licences. The use of licence privileges will be dependent upon the validity of the ratings included in the licence 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 will change: 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 Part-OR (Organisation Requirements) sets out the requirements for training organisations and Aeromedical Centres. The 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. As currently proposed the new Part-OR will specify generic requirements that apply to the many different kinds of approved organisations. It will also contain further requirements that apply to particular kinds of organisation; e.g. Approved (flying) Training Organisations and the Aeromedical Centres. There will then be further requirements for Approved (flying) Training Organisations that run CPL, ATPL and/or Type Rating and Instrument Rating courses.
- 2.6 The Part-AR (Authority Requirements) Implementing Rules will set 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 will continue to apply.

### **3. Implementation of EU Rules.**

- 3.1 The following EU Implementing Rules are to be enacted during 2011 (expected dates of enactment shown):
  - Part-FCL - Pilot licensing rules (replacing JAR-FCL 1 and 2) - expected June 2011;
  - Part-MED - Pilot medical rules (replacing JAR-FCL 3) - expected October 2011;
  - Part-OR - New requirements for the approval of organisations (replacing those in JAR-FCL) - expected November 2011; and
  - Part-AR - New requirements to be complied with by the National Aviation Authorities (replacing those in the current JAA Guidance Material) - expected November 2011.

The associated guidance and “Acceptable Means of Compliance” for each of these is expected to be available when they are enacted.

3.2 Regardless of the expected enactment/publication dates, all of these Implementing Rules are to become applicable with effect from 8th April 2012. In the event that NAAs are not ready to begin issuing particular licences or ratings (those items that were not provided under JAR-FCL), the EU legislation will make provision for “opt outs” that Member States may make use of for various limited periods. Where an opt out is invoked the applicable licence or rating cannot be issued before the opt out ends; but it will become mandatory to hold that licence or rating from the date the opt out ends. So, the opt out periods do not provide a period of transition - meaning a period during which new EASA licences can be issued, but existing national licences may continue to be used. To provide such transition periods it will be necessary for the CAA to use the flexibility provisions of Article 14(4) of the Basic EASA Regulation, (with the agreement of EASA and the Commission). The precise manner in which the UK will use any opt outs and exemptions is still to be decided. However, if we assume that no opt outs will be invoked and that Article 14(4) exemptions will be issued for a maximum of 3 years, the situation in the UK will be as follows:

- EASA licences will be issued from 8th April 2012. (No new JAR licences will be issued after 7th April 2012).
- JAR licences issued before 8th April 2012, that are fully compliant with JAR-FCL, will automatically become EASA licences on 8th April 2012. The legislation will require the physical replacement of JAR licences with their EASA equivalents before 8th April 2017; (i.e. before the calendar expiry date of the last JAR licences that can be issued).
- 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 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 issued before 8th April 2012 will be deemed to be EASA Medical Certificates on 8th April 2012; i.e. they will become EASA Medical Certificates. (No new JAR Medical Certificates will be issued after 7th April 2012). EASA Medical Certificates will be issued 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 Medical Certificate.
- Flying Training Organisations and Type Rating Training Organisations approved under JAR-FCL will automatically become Approved Training Organisations under Part OR on 8th April 2012, but must be fully compliant with the applicable Implementing Rules by 8th April 2014.

- Training carried out in accordance with JAR-FCL before 8th April 2012 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 provide training for EASA licences must become Approved Training Organisations under Part-OR by 8th April 2015.

Once the transition periods are over, no national licences will be valid for EASA aircraft, and no training outside of Part-OR approved Training Organisations will be valid for the grant of an EASA licence or the grant, revalidation or renewal of a rating. Therefore, any current licence holder who wishes to continue to fly EASA aircraft would have to obtain the applicable EASA licence, rating and medical certificate in advance of the transition end dates. If the Article 14(4) exemptions run from 8th April 2012 to 8th April 2015, the end dates will be as set out in the following table:

<b>EASA Aircraft and Operation or activity</b>	<b>Assuming exemption until 2015, a pilot must have the EASA licence / rating before:</b>
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

- 3.3 From 8th April 2012 all new licences that will allow the piloting of EASA aircraft and the associated medical certificates will have to be issued in accordance with the new regulations. Also, from that point forward, all licences that are re-issued (due to expiry or amendment) will have to be Part-FCL licences and be compliant with the Part-FCL renewal/re-issue requirements. Similarly, from 8th April 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-OR and Part-FCL).
- 3.4 From 8th April 2012 the theoretical knowledge examinations must be in accordance with the new regulations. Currently the CAA does not operate the latest standard of JAR-FCL theoretical knowledge examinations. The CAA intends to introduce the latest standard of examinations with effect from June 2011, and to run the new and old (current) examination schemes in parallel until March 2012. No examinations to the old standard will be available after March 2012; (this includes re-sits). Where an applicant for a licence or rating has completed all of the examinations for that qualification to either the new or old standard by the end of March 2012, those examinations will be valid for the qualification; (subject to the usual calendar expiry). However, if an applicant who is sitting exams that are not to the latest JAR standard does not pass them all before 8 April 2012, the candidate will have to take all remaining subjects to the latest standard, and may have to retake others to that standard where the content of those subjects has changed.

- 3.5 As stated in 3.2 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 as proposed also stipulates that renewal and revalidation training (to maintain or restore the rating) must be undertaken by Approved Training Organisations. 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.

#### **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 will be made to the privileges of licences as set out in the Air Navigation Order (ANO) to reflect (i) above; however, this will only be to improve clarity as, in this context, EU law takes precedence over national legislation. Item (ii) above will necessitate 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. Currently, 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 it is intended that the ANO will be amended so that an EASA licence with SEP rating is 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. It is now intended to amend the ANO so that UK equivalents to EASA licences can be issued where necessary to allow EASA licence holders to hold non-EASA UK national ratings. This will mean reintroducing the UK ATPL, CPL and PPL for both aeroplanes and helicopters. In addition, it is proposed to have 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. The justification for these new UK licences is that they 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), will be 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.

(For completeness, the table includes a proposed CPL for non-EASA gyroplanes that the CAA is considering introducing for reasons that are not related to EU legislation).

- 4.4 It is important to appreciate that the proposed Part-FCL regulation specifies that the conversion from a national licence to an EASA licence is only available for national licences issued before the implementation date of the relevant EASA licence. National licences issued as described in 4.3 above after the implementation of Part-FCL will not be convertible to EASA licences.
- 4.5 It is intended that, as part of the ANO amendment, all UK licences will become non-expiring “lifetime” licences. The use of the licence privileges will remain dependent upon the validity of the ratings included in the licence 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 will automatically become EASA licences but will need to be physically replaced on or before their calendar expiry date. All licences that are not fully compliant with JAR-FCL are national licences.
- 5.2 Annex II to the proposed Part-FCL Regulation provides criteria for commonly used national licences to be converted to EASA licences. A copy of this Annex is shown as Attachment 4. The criteria are similar to those that applied in the past for transition to JAR-FCL licences. Where a national licence does not appear in Annex II to the Part-FCL 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 there does not appear to be any alternative but to develop and agree Conversion Reports. For helicopter and aeroplane licences (other than NPPL) it is proposed to reduce the complexity of the issue and to remove uncertainty over the outcome, by using an amendment to the ANO to convert each kind of legacy licence into one of the UK national licences that will be available in the future. These legacy licences will then be in one of the categories of Annex II to the Part-FCL Regulation and so will be convertible to EASA licences under the terms of that Annex.
- 5.5 It is proposed to amend the ANO so 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).
6. Any UK PPL that has always been limited to microlight aeroplanes only, will be deemed to be an NPPL(A) with microlight rating - see Note 2
7. Any UK PPL (not NPPL) other than referred to in (6) above, will be deemed to be a UK PPL(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 Part-FCL regulation. The EASA PPL(A) with FI(A) includes the privilege to be paid for giving flying instruction.

Note 2 - This will not change the privileges of the microlight licences. They will remain valid for microlight aeroplanes. They will be administered according to the NPPL rules and it will be clear that they are **not** the ICAO-compliant UK PPLs of the kind that can be converted to EASA licences in accordance with the Annex II to the Part-FCL Regulation.

- 5.6 Attachment 5 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.
- 5.7 The changes to the text of the ANO are being drafted and it is intended that these will be put on the CAA website for public consultation during 2011.

## 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 a simplified European instrument rating for private aeroplane and sailplane pilots. Towards the end of 2009 that activity was put in abeyance so that the Agency could focus its resources onto the completion of Parts FCL, MED, OR and AR. At the time of writing the proposals for the simplified IR have not yet been published. It is expected that the proposals will be publicly consulted upon by EASA in the third quarter of 2011 by means of a Notice of Proposed Amendment. When the rules are finalised in the light of comments received, they should eventually appear as an amendment to Part-FCL.
- 6.2 In discussions with UK representatives and the CAA, the Agency has said that there should be a means to take credit for the UK IMC rating to obtain the new European rating. EASA has also indicated that, if the new European rating is more restrictive than the UK IMC rating, existing holders of the IMC rating might be granted a restricted form of the full IR that would confer the same privileges as the existing UK IMC rating. (Such a rating would also be subject to the restriction that it could only be used to fly UK registered aeroplanes in UK airspace - as is the case now with the IMC rating).

## **7. Credit for military flying.**

- 7.1 The Part-FCL Regulation will include 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 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 agreed with EASA. Therefore, it must be assumed that the existing UK terms for Qualified Service Pilots as set out in LASORS will cease on 7th April 2012. The crediting of service experience and training in respect of EASA licences can begin after 8th April 2012 once the new terms have been agreed. There is no guarantee that the new terms will be the same as the current scheme, or that there will not be a delay in the compilation or agreement of the new terms that will preclude the crediting of military flying for a period.
- 7.2 The current scheme provides for JAR-FCL licences to be granted on the basis of credit for military flying. The last day upon which the CAA will be able to grant a new JAR-FCL licence will be 7th April 2012. The new scheme must be in place before a Part-FCL (EASA) licence may be granted on the basis of credit for military flying.

## **8. Non-EU licences - Validations and Conversions**

- 8.1 The Basic EASA Regulation and the Part-FCL Regulation will require 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 Part-FCL regulation.

The Part-FCL Regulation as proposed provides for Member States not to require the validation of non-EU licences for non-commercial flights until 8th April 2014. For commercial flights the validation of licences will be required from 8th April 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; i.e. specific validations are required for commercial 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 will be 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 Part-FCL Regulation with effect from 8th April 2012. Another significant difference between the Part-FCL 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 Part-FCL Regulation. The general requirements that would apply to all validations according to this proposal are:

- the licence to be validated must be compliant with ICAO Annex 1;
- 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 Part-FCL Regulation. The requirements to obtain an EASA PPL on the basis of any non-EU licence are specified in Annex III to the proposed Part-FCL Regulation; see Attachment 6.

8.5 At present, Article 62 of the Air Navigation Order 2009 grants a permanent 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. If the Part-FCL regulation comes into force as currently proposed it will override Article 62 in respect of EASA aircraft from 8th April 2014.

## **9. UK Scheme of Charges**

9.1 The CAA will amend the existing scheme of charges to take account of these coming changes. The proposed amendments will be published for public consultation during the summer of 2011.

## **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 will be 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 will be 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 EASA has no powers to grant exemptions or derogations; these provisions are only available to Member States. In the UK the Article 14(4) exemption flexibility will be administered by the CAA on behalf of the Department for Transport. Although the CAA will have some powers to exempt or derogate 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).

- 10.3 It must be clearly understood that any agreements or statements of policy in respect of licensing regulation that the CAA may have given in the past, whether generally or specifically, to organisations or to individuals, will not be sustainable into the future if those agreements or policies are contrary to EU regulations. In the recent past there have been statements in the aviation media and correspondence addressed to the CAA, calling upon the CAA to ensure that the existing privileges of UK licence holders are preserved. As EU legislation overrides national provisions, the CAA has no legal powers to ensure that existing privileges or practices are retained.
- 10.4 Where the CAA has issued any exemption under the ANO in respect of pilot licensing, whether generally or specifically, that exemption will not be valid from the 8th April 2012 for any flight for which an EASA licence or validation under EU regulations is required.

## **11. CAA transition tasks.**

- 11.1 For the CAA there are numerous tasks to be completed by 8th April 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 many 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 will involve: 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 on the 8th April 2012. It has been decided that LASORS will be replaced by a new publication - CAP 804. Instead of a bound book, CAP 804 will be a loose leaf publication so that individual pages can be added or replaced as and when necessary. It will be available on the CAA website and may also be available as hard copy.
- 11.3 The UK has approximately 50,000 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 8th April 2012 onwards. We must also expect a significant increase in enquiries by telephone and e-mail in 2012.
- 11.4 It will be clear from the information set out above that completing the transition from the current rules to the new European system is going to be a large task for the CAA due to the large number of UK licence holders. We have many thousands of licences to replace, and potentially hundreds of new training organisations to approve; (those that are currently Registered Facilities). The CAA did complete a transition to new rules previously when JAR-FCL was introduced; but on that occasion the requirements were adopted on dates of the CAA's choosing and, most significantly, national licences remained valid for UK-registered aircraft. Licences issued after the adoption of JAR-FCL had to be in accordance with those

requirements, but there was little urgency to convert existing licences. This time the task is much greater because the majority of national licences will have to be converted, and the timescale is short and will be fixed by legislation.

- 11.5 The CAA is staffed at a level that is commensurate with its normal obligations, which do not include the transition tasks summarised above. In order to address the transition to EU rules we will have to assign significant effort and expertise to that task. It is inevitable that this will result in less resource being applied to our normal activity of providing advice and guidance to pilots and the training industry to sort out non-routine licensing applications. There is likely to be a consequent reduction in the level of response that can be given to such cases.
- 11.6 Holders of national licences who can comply with the requirements to have them replaced by JAR-FCL licences may wish to consider doing so during 2011. The advantage to them in doing so would be that their new JAR-FCL licence will automatically become an EASA licence, and so should be less affected by any administrative delays that may occur due to the volume of licences to be issued during transition. The disadvantage is that applicants will have to pay for the JAR licence and may have to pay a further fee later for its replacement with an EASA licence. As stated in section 9 above, the proposals for amendment of the Scheme of Charges will be subject to consultation in the summer of 2011. There is in no benefit to the CAA if national licence holders convert in 2011 because the JAR licences obtained would have to be replaced again in 2016; it is simply an option that licence holders may wish to consider.

## **12. Conclusions and further information.**

EU legislation that is to come into force in April 2012 will change the legal basis for the licensing of pilots. These changes will affect many UK licence holders. The primary effects are explained in this document.

As the final EU legislation and the associated interpretative and guidance material are not yet available the CAA is unable to answer detailed questions from individuals on how the new legislation will affect their licences.

More information will be provided when available and as the final texts of the regulations are published.

C.J.Whittaker  
Head of Licensing & Training Policy

## **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. Conversion of European licences to EASA licences.
5. Effect of the ANO changes on UK national licences and the route to conversion if required.
6. Validation and conversion requirements for non-EU licence holders.
7. 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 Community

shall 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.

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

It is currently 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 m<sup>3</sup> envelope capacity or gas balloons with a maximum of 1200 m<sup>3</sup> envelope capacity, carrying a maximum of 3 passengers, such that there are never more than 4 persons on board of the aircraft.

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### Attachment 3 - EASA licences and UK licences from April 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.

<b>EASA Licence</b>	<b>UK Licence</b>
<b>Fixed Wing</b>	
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)
<b>Helicopters</b>	
ATPL(H)	ATPL(H)*
CPL(H)	CPL(H)*
PPL(H)	PPL(H)*
LAPL(H)	NPPL(H)*
<b>Gyroplanes</b>	
Not Available	CPL (Gyroplane)
Not Available	PPL (Gyroplane)
<b>Balloons</b>	
BPL	CPL(B), PPL(Balloons & Airships)
LAPL(B)	Not Available
<b>Airships</b>	
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, PPL and NPPL (issued from 8th April 2012) are not convertible to EASA licences.

<b>Non-EASA Ratings that may be included in UK licences</b>	
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 - Conversion of European licences to EASA licences.

The requirements for the conversion of European non-JAR national licences are set out in Annex II to the proposed Part-FCL Regulation. The draft Annex is shown below:

### ANNEX II to Part-FCL Regulation

#### CONDITIONS FOR THE CONVERSION OF EXISTING NATIONAL LICENCES AND RATINGS FOR AEROPLANES AND HELICOPTERS

#### A. AEROPLANES

##### 1. Pilot licences

A pilot licence issued by a Member State in accordance with the national requirements shall be converted into a Part-FCL licence provided that the applicant complies with the following requirements:

- (a) for ATPL(A) and CPL(A), complete as a proficiency check the revalidation requirements of Part-FCL for type/class and instrument rating, relevant to the privileges of the licence held;
- (b) demonstrate knowledge of the relevant parts of Part-OPS and Part-FCL;
- (c) demonstrate language proficiency in accordance with FCL.055;
- (d) comply with the requirements set out in the table below:

National licence held	Total flying hours experience	Any further requirements	Replacement Part-FCL licence and conditions ( <i>where applicable</i> )	Removal of conditions	
(1)	(2)	(3)	(4)	(5)	
ATPL(A)	>1500 as PIC on multi-pilot aeroplanes	None	ATPL(A)	Not applicable	(a)
ATPL(A)	>1500 on multi-pilot aeroplanes	None	as in (c)(4)	as in (c)(5)	(b)
ATPL(A)	>500 on multi-pilot aeroplanes	Demonstrate knowledge of flight planning and performance as required by FCL.515	ATPL(A), with type rating restricted to co-pilot	Demonstrate ability to act as PIC as required by Appendix 9 to Part-FCL	(c)
CPL/IR(A) and passed an ICAO ATPL theory test in the Member State of licence issue		(i) demonstrate knowledge of flight planning and performance as required by FCL.310 and FCL.615(b) (ii) meet remaining requirements of FCL.720.A (c)	CPL/IR(A) with ATPL theory credit	Not applicable	(d)

National licence held	Total flying hours experience	Any further requirements	Replacement Part-FCL licence and conditions (where applicable)	Removal of conditions	
(1)	(2)	(3)	(4)	(5)	
CPL/IR(A)	>500 on multi-pilot aeroplanes, or in multi-pilot operations on single-pilot aeroplanes CS-23 commuter category or equivalent in accordance with the requirements of Part-OPS for commercial air transport	(i) pass an examination for ATPL(A) knowledge in the Member State of licence issue* (ii) meet remaining requirements of FCL.720.A (c)	CPL/IR(A) with ATPL theory credit	Not applicable	(e)
CPL/IR(A)	>500 as PIC on single-pilot aeroplanes	None	CPL/IR(A) with type/class ratings restricted to single-pilot aeroplanes		(f)
CPL/IR(A)	<500 as PIC on single-pilot aeroplanes	Demonstrate knowledge of flight planning and flight performance for CPL/IR level	As (4)(f)	Obtain multi-pilot type rating in accordance with Part-FCL	(g)
CPL(A)	>500 as PIC on single-pilot aeroplanes	Night rating, if applicable	CPL(A), with type/class ratings restricted to single-pilot aeroplanes		(h)
CPL(A)	<500 as PIC on single-pilot aeroplanes	(i) night rating, if applicable; (ii) demonstrate knowledge of flight performance and planning as required by FCL.310	as (4)(h)		(i)
PPL/IR(A)	≥75 in accordance with IFR	Night rating if night flying privileges are not included in the instrument rating	PPL/IR(A) (the IR restricted to PPL)	Demonstrate knowledge of flight performance and planning as required by FCL.615(b)	(j)
PPL(A)	≥70 on aeroplanes	Demonstrate the use of radio navigation aids	PPL(A)		(k)

\* CPL holders already holding a type rating for a multi-pilot aeroplane are not required to have passed an examination for ATPL(A) theoretical knowledge whilst they continue to operate that same aeroplane type, but will not be given ATPL(A) theory credit for a Part-FCL licence. If they require another type rating for a different multi-pilot aeroplane, they must comply with column (3), row (e)(i) of the above table.

## 2. Instructor certificates

An instructor certificate issued by a Member State in accordance with the national requirements shall be converted into a Part-FCL certificate provided that the applicant complies with the following requirements:

National certificate or privileges held	Experience	Any further requirements	Replacement Part-FCL certificate
(1)	(2)	(3)	(4)
FI(A)/IRI(A)/TRI(A)/CRI(A)	as required under Part-FCL for the relevant certificate	N/A	FI(A)/IRI(A)/TRI(A)/CRI(A)

## 3. SFI certificate

A SFI certificate issued by a Member State in accordance with the national requirements shall be converted into a Part-FCL certificate provided that the holder complies with the following requirements:

National certificate held	Experience	Any further requirements	Replacement Part-FCL certificate
(1)	(2)	(3)	(4)
SFI(A)	>1500 hours as pilot of MPA	(i) hold or have held a CPL, MPL or ATPL for aeroplanes issued by a Member State; (ii) have completed the flight simulator content of the applicable type rating course including MCC.	SFI(A)
SFI(A)	3 years recent experience as a SFI	have completed the flight simulator content of the applicable type rating course including MCC	SFI(A)

The conversion shall be valid for a maximum period of 3 years. Revalidation shall be subject to the completion of the relevant requirements set out in Part-FCL.

#### 4. STI certificate

An STI certificate issued by a Member State in accordance with the national requirements of that State may be converted into a Part-FCL certificate provided that the holder complies with the requirements set out in the table below:

National certificate held	Experience	Any further requirements	Replacement certificate
(1)	(2)	(3)	(4)
STI(A)	> 500 hours as pilot on SPA	(i) hold or have held a pilot licence issued by a Member State; (ii) have completed a proficiency check in accordance with Appendix 9 to Part-FCL in an FSTD appropriate to the instruction intended	STI(A)
STI(A)	3 years recent experience as a STI	have completed a proficiency check in accordance with Appendix 9 to Part-FCL in an FSTD appropriate to the instruction intended	STI(A)

Revalidation of the certificate shall be subject to the completion of the relevant requirements set out in Part-FCL.

## B. HELICOPTERS

### 1. Pilot licences

A pilot licence issued by a Member State in accordance with the national requirements shall be converted into a Part-FCL licence provided that the applicant complies with the following requirements:

- complete as a proficiency check the revalidation requirements of Part-FCL for type and instrument rating, relevant to the privileges of the licence held;
- demonstrate knowledge of the relevant parts of Part-OPS and Part-FCL;
- demonstrate language proficiency in accordance with FCL.055;
- comply with the requirements set out in the table below:

*(Continued on next page)*

National licence held	Total flying hours experience	Any further requirements	Replacement Part-FCL licence and conditions (where applicable)	Removal of conditions	
(1)	(2)	(3)	(4)	(5)	
ATPL(H) valid IR(H)	>1000 as PIC on multi-pilot helicopters	none	ATPL(H) and IR	Not applicable	(a)
ATPL(H) no IR(H) privileges	>1000 as PIC on multi-pilot helicopters	none	ATPL(H)		(b)
ATPL(H) valid IR(H)	>1000 on multi-pilot helicopters	None	ATPL(H), and IR with type rating restricted to co-pilot	demonstrate ability to act as PIC as required by Appendix 9 to Part-FCL	(c)
ATPL(H) no IR(H) privileges	>1000 on multi-pilot helicopters	None	ATPL(H) type rating restricted to co-pilot	demonstrate ability to act as PIC as required by Appendix 9 to Part-FCL	(d)
ATPL(H) valid IR(H)	>500 on multi-pilot helicopters	demonstrate knowledge of flight planning and flight performance as required by FCL.515 and FCL.615(b)	as (4)(c)	as (5)(c)	(e)
ATPL(H) no IR(H) privileges	>500 on multi-pilot helicopters	as (3)(e)	as (4)(d)	as (5)(d)	(f)
CPL/IR(H) and passed an ICAO ATPL(H) theory test in the Member State of licence issue		(i) demonstrate knowledge of flight planning and flight performance as required by FCL.310 and FCL.615(b); (ii) meet remaining requirements of FCL.720.H(b)	CPL/IR(H) with ATPL(H) theory credit, provided that the ICAO ATPL(H) theory test is assessed as being at Part-FCL ATPL level	Not applicable	(g)
CPL/IR(H)	>500 hrs on multi-pilot helicopters	(i) to pass an examination for Part-FCL ATPL(H) theoretical knowledge in the Member State of licence issue* (ii) to meet remaining requirements of FCL.720.H (b)	CPL/IR(H) with Part-FCL ATPL(H) theory credit	Not applicable	(h)

National licence held	Total flying hours experience	Any further requirements	Replacement Part-FCL licence and conditions (where applicable)	Removal of conditions	
(1)	(2)	(3)	(4)	(5)	
CPL/IR(H)	>500 as PIC on single-pilot helicopters	None	CPL/IR(H) with type ratings restricted to single-pilot helicopters	obtain multi-pilot type rating as required by Part-FCL	(i)
CPL/IR(H)	<500 as PIC on single-pilot helicopters	demonstrate knowledge of flight planning and flight performance as required by FCL.310 and FCL.615(b)	as (4)(i)		(j)
CPL(H)	>500 as PIC on single-pilot helicopters	night rating	CPL(H), with type ratings restricted to single-pilot helicopters		(k)
CPL(H)	<500 as PIC on single-pilot helicopters	night rating demonstrate knowledge of flight performance and planning as required by FCL.310	as (4) (k)		(l)
CPL(H) Without night rating	>500 as PIC on single-pilot helicopters		As (4)(k) and restricted to day VFR operations	Obtain multi-pilot type rating as required by Part-FCL and a night rating	(m)
CPL(H) Without night rating	<500 as PIC on single-pilot helicopters	demonstrate knowledge of flight planning and flight performance as required by FCL.310	As (4)(k) and restricted to day VFR operations		(n)
PPL/IR(H)	≥75 in accordance with IFR	night rating; if night flying privileges are not included in the instrument rating	PPL/IR(H) (the IR restricted to PPL)	demonstrate knowledge of flight performance and planning as required by FCL.615(b)	(o)
PPL(H)	≥75 on helicopters	demonstrate the use of radio navigation aids	PPL (H)		(p)

\* CPL holders already holding a type rating for a multi-pilot aeroplane are not required to have passed an examination for ATPL(H) theoretical knowledge whilst they continue to operate that same helicopter type, but will not be given ATPL(H) theory credit for a Part-FCL licence. If they require another type rating for a different multi-pilot helicopter, they must comply with column (3), row (h)(i) of the above table.

## 2. Instructor certificates

An instructor certificate issued by a Member State in accordance with the national requirements shall be converted into a Part-FCL certificate provided that the applicant complies with the following requirements:

National certificate or privileges held	Experience	Any further requirements	Replacement certificate
(1)	(2)	(3)	(4)
FI(H)/IRI(H)/TRI(H)	as required under Part-FCL for the relevant certificate		FI(H)/IRI(H)/TRI(H)*

Revalidation of the certificate shall be subject to the completion of the relevant requirements set out in Part-FCL.

## 3. SFI certificate

An SFI certificate issued by a Member State in accordance with the national requirements shall be converted into a Part-FCL certificate provided that the holder complies with the following requirements:

National certificate held	Experience	Any further requirements	Replacement certificate
(1)	(2)	(3)	(4)
SFI(H)	>1.000 hours as pilot of MPH	(i) hold or have held a CPL, MPL or ATPL issued by a Member State; (ii) have completed the flight simulator content of the applicable type rating course including MCC	SFI(H)
SFI(H)	3 years recent experience as an SFI	have completed the simulator content of the applicable type rating course including MCC	SFI(H)

Revalidation of the certificate shall be subject to the completion of the relevant requirements set out in Part-FCL.



#### 4. STI certificate

An STI certificate issued by a Member State in accordance with the national requirements of that State may be converted into a Part-FCL certificate provided that the holder complies with the requirements set out in the table below:

National certificate held	Experience	Any further requirements	Replacement certificate
(1)	(2)	(3)	(4)
STI(H)	>500 hours as pilot on SPH	(i) hold or have held a pilot licence issued by a Member State; (ii) have completed a proficiency check in accordance with Appendix 9 to Part-FCL in an FSTD appropriate to the instruction intended	STI(H)
STI(H)	3 years recent experience as an STI	have completed a proficiency check in accordance with Appendix 9 to Part-FCL in an FSTD appropriate to the instruction intended	STI(H)

Revalidation of the certificate shall be subject to the completion of the relevant requirements set out in Part-FCL.

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### Attachment 5 - 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 proposed Part-FCL Regulation (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)	To be deleted from the ANO.	Automatic conversion to equivalent Part-FCL licence with Part-FCL ratings; remaining valid as UK licences for UK specific ratings	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"	Will become 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.	Will become 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.	Will become 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)	Will become NPPL(M)	No EASA equivalent	NPPL(M)	UK microlights.
PPL(Gyroplanes)	No change	No EASA equivalent	PPL(G)	UK light gyroplanes
<b>New</b> - CPL(Gyroplanes)	Introduced by ANO	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.
<b>New</b> - PPL(Unmanned) CPL(Unmanned)	Introduced by ANO	No EASA equivalent	PPL(UAS), CPL(UAS)	Non-EASA, UK UAS
BGA Gliding Certificates	N/A	Conversion report to LAPL(S)	LAPL(S)	All Sailplanes

## **Attachment 6 - Validation and Conversion Requirements for non-EU licence holders.**

The proposed Article 7 and Annex III to the Part-FCL Regulation are shown below.

For validations the detailed requirements are set out in Annex III.

The conversions, the requirements to obtain EASA CPL and ATPL are specified within Article 7 - not Annex III. For the conversion of any ICAO licence to EASA non-commercial licences the requirements are in Annex III.

### *Article 7*

#### ***Conditions for the acceptance of licences from third countries***

1. Without prejudice to Article 12 of Regulation (EC) No 216/2008 and where there are no agreements concluded between the Union and a third country covering pilot licensing, Member States may accept third country licences, and associated medical certificates issued by or on behalf of third countries, in accordance with the provisions of Annex III to this Regulation.
2. Applicants for Part-FCL licences already holding at least an equivalent licence, rating or certificate issued in accordance with Annex 1 to the Chicago Convention by a third country shall comply with all the requirements of Annex I to this Regulation, except that the requirements of course duration, number of lessons and specific training hours may be reduced.  
  
The credit given to the applicant shall be determined by the Member State to which the pilot applies on the basis of a recommendation from an approved training organisation.
3. Holders of an ATPL issued by or on behalf of a third country in accordance with Annex 1 to the Chicago Convention who have completed the experience requirements for the issue of an ATPL in the relevant aircraft category as set out in Subpart F of Annex I to this Regulation may be given full credit as regards the requirements to undergo a training course prior to undertaking the theoretical knowledge examinations and the skill test, provided that the third country licence contains a valid type rating for the aircraft to be used for the ATPL skill test.
4. Aeroplane or helicopter type ratings may be issued to holders of Part-FCL licences that comply with the requirements for the issue of those ratings established by a third country.  
  
Such ratings will be restricted to aircraft registered in that third country.

**ANNEX III**  
**CONDITIONS FOR THE ACCEPTANCE OF LICENCES ISSUED BY OR ON BEHALF OF**  
**THIRD COUNTRIES**

**A. VALIDATION OF LICENCES**

**General**

1. A pilot licence issued in compliance with the requirements of Annex 1 to the Chicago Convention by a third country may be validated by the competent authority of a Member State.  
Pilots shall apply to the competent authority of the Member State where they reside or are established, or, if they are not residing in the territory of the Member States, where the operator for which they are flying or intend to fly has its principal place of business.
2. The period of validation of a licence shall not exceed 1 year, provided that the basic licence remains valid.  
This period may only be extended once by the competent authority that issued the validation when, during the validation period, the pilot has applied, or is undergoing training, for the issuance of a licence in accordance with Part-FCL. This extension shall cover the period of time necessary for the licence to be issued in accordance with Part-FCL.  
The holders of a licence accepted by a Member State shall exercise their privileges in accordance with the requirements stated in Part-FCL.

**Pilot licences for commercial air transport and other commercial activities**

3. In the case of pilot licences for commercial air transport and other commercial activities, the holder shall comply with the following requirements:
  - (a) complete, as a skill test, the type or class rating revalidation requirements of Part-FCL relevant to the privileges of the licence held;
  - (b) demonstrate that he/she has acquired knowledge of the relevant parts of Part-OPS and Part-FCL;
  - (c) demonstrate that he/she has acquired knowledge of English in accordance with FCL.055;
  - (d) hold a valid Class 1 medical certificate, issued in accordance with Part-Medical;
  - (e) in the case of aeroplanes, comply with the experience requirements set out in the following table:

<b>Licence held</b>	<b>Total flying hours experience</b>	<b>Privileges</b>	
(1)	(2)	(3)	
ATPL(A)	>1500 hours as PIC on multi-pilot aeroplanes	Commercial air transport in multi-pilot aeroplanes as PIC	(a)
ATPL(A) or CPL(A)/IR*	>1500 hours as PIC or co-pilot on multi-pilot aeroplanes according to operational requirements	Commercial air transport in multi-pilot aeroplanes as co-pilot	(b)
CPL(A)/IR	>1000 hours as PIC in commercial air transport since gaining an IR	Commercial air transport in single-pilot aeroplanes as PIC	(c)
CPL(A)/IR	>1000 hours as PIC or as co-pilot in single-pilot aeroplanes according to operational requirements	Commercial air transport in single-pilot aeroplanes as co-pilot according to Part-OPS	(d)
ATPL(A), CPLA(A)/IR, CPL(A)	>700 hours in aeroplanes other than TMGs, including 200 hours in the activity role for which acceptance is sought, and 50 hours in that role in the last 12 months	Exercise of privileges in aeroplanes in operations other than commercial air transport	(e)
CPL(A)	>1500 hours as PIC in commercial air transport including 500 hours on seaplane operations	Commercial air transport in single-pilot aeroplanes as PIC	(f)

\* CPL(A)/IR holders on multi-pilot aeroplanes shall have demonstrated ICAO ATPL(A) level knowledge before acceptance.

(f) in the case of helicopters, comply with the experience requirements set out in the following table:

<b>Licence held</b>	<b>Total flying hours experience</b>	<b>Privileges</b>	
(1)	(2)	(3)	
ATPL(H) valid IR	>1000 hours as PIC on multi-pilot helicopters	Commercial air transport in multi-pilot helicopters as PIC in VFR and IFR operations	(a)
ATPL(H) no IR privileges	>1000 hours as PIC on multi-pilot helicopters	Commercial air transport in multi-pilot helicopters as PIC in VFR operations	(b)
ATPL(H) valid IR	>1000 hours as pilot on multi-pilot helicopters	Commercial air transport in multi-pilot helicopters as co-pilot in VFR and IFR operations	(c)



ATPL(H) no IR privileges	>1000 hours as pilot on multi-pilot helicopters	Commercial air transport in multi-pilot helicopters as co-pilot in VFR operations	(d)
CPL(H)/IR*	>1000 hours as pilot on multi-pilot helicopters	Commercial air transport in multi-pilot helicopters as co-pilot	(e)
CPL(H)/IR	>1000 hours as PIC in commercial air transport since gaining an IR	Commercial air transport in single-pilot helicopters as PIC	(f)
ATPL(H) with or without IR privileges, CPL(H)/IR, CPL(H)	>700 hours in helicopters other than those certificated under CS-27/29 or equivalent, including 200 hours in the activity role for which acceptance is sought, and 50 hours in that role in the last 12 months	Exercise of privileges in helicopters in operations other than commercial air transport	(g)

\* CPL(H)/IR holders on multi-pilot helicopters shall have demonstrated ICAO ATPL level knowledge before acceptance.

#### **Pilot licences for non-commercial activities with an instrument rating**

4. In the case of private pilot licences with an instrument rating, or CPL and ATPL licences with an instrument rating where the pilot intends only to exercise private pilot privileges, the holder shall comply with the following requirements:
- complete the skill test for instrument rating and the type or class ratings relevant to the privileges of the licence held, in accordance with Appendix 7 and Appendix 9 to Part-FCL;
  - demonstrate that he/she has acquired knowledge of Air Law, Aeronautical Weather Codes, Flight Planning and Performance (IR), and Human Performance;
  - demonstrate that he/she has acquired knowledge of English in accordance with FCL.055;
  - hold at least a valid Class 2 medical certificate issued in accordance with Annex 1 to the Chicago Convention;
  - have a minimum experience of at least 100 hours of instrument flight time as pilot-in-command in the relevant category of aircraft.

#### **Pilot licences for non-commercial activities without an instrument rating**

5. In the case of private pilot licences, or CPL and ATPL licences without an instrument rating where the pilot intends only to exercise private pilot privileges, the holder shall comply with the following requirements:
- demonstrate that he/she has acquired knowledge of Air Law and Human Performance;
  - pass the PPL skill test as set out in Part-FCL;
  - fulfil the relevant requirements of Part-FCL for the issuance of a type or class rating as relevant to the privileges of the licence held;
  - hold at least a Class 2 medical certificate issued in accordance with Annex 1 to the Chicago Convention;
  - demonstrate that he/she has acquired language proficiency in accordance with FCL.055;
  - have a minimum experience of at least 100 hours as pilot in the relevant category of aircraft.

## Validation of pilot licences for specific tasks of limited duration

6. Notwithstanding the provisions of the paragraphs above, in the case of manufacturer flights, Member States may accept a licence issued in accordance with Annex 1 to the Chicago Convention by a third country for a maximum of 12 months for specific tasks of limited duration, such as instruction flights for initial entry into service, demonstration, ferry or test flights, provided the applicant complies with the following requirements:
- (a) holds an appropriate licence and medical certificate and associated ratings or qualifications issued in accordance with Annex 1 to the Chicago Convention;
  - (b) is employed, directly or indirectly, by an aeroplane manufacturer.
- In this case, the privileges of the holder shall be limited to performing flight instruction and testing for initial issue of type ratings, the supervision of initial line flying by the operators' pilots, delivery or ferry flights, initial line flying, flight demonstrations or test flights.

## B. CONVERSION OF LICENCES -

*(Note - These requirements are for conversion to non-commercial licences only. The requirements to obtain commercial licences are set out within Article 7)*

1. A PPL/BPL/SPL, a CPL or ATPL licence issued in compliance with the requirements of Annex 1 to the Chicago Convention by a third country may be converted into a Part-FCL PPL/BPL/SPL with a single-pilot class or type rating by the competent authority of a Member State.  
The pilot shall apply to the competent authority of the Member State where he/she resides or is established.
2. The holder of the licence shall comply with the following minimum requirements, for the relevant aircraft category:
  - (a) pass a written examination in Air Law and Human Performance;
  - (b) pass the PPL, BPL or SPL skill test, as relevant, in accordance with Part-FCL;
  - (c) fulfil the requirements for the issue of the relevant class or type rating, in accordance with Subpart H;
  - (d) hold at least a Class 2 medical certificate, issued in accordance with Part-Medical;
  - (e) demonstrate that he/she has acquired language proficiency in accordance with FCL.055;
  - (f) have completed at least 100 hours of flight time as a pilot.

## C. ACCEPTANCE OF CLASS AND TYPE RATINGS

1. A valid class or type rating contained in a licence issued by a third country may be inserted in a Part-FCL licence provided that the applicant:
  - (a) complies with the experience requirements and the prerequisites for the issue of the applicable type or class rating in accordance with Part-FCL;
  - (b) passes the relevant skill test for the issue of the applicable type or class rating in accordance with Part-FCL;
  - (b) is in current flying practice;
  - (c) has no less than:
    - (i) for aeroplane class ratings, 100 hours of flight experience as a pilot in that class;
    - (ii) for aeroplane type ratings, 500 hours of flight experience as a pilot in that type;
    - (iii) for single-engine helicopters with a maximum certificated take-off mass of up to 3 175 kg, 100 hours of flight experience as a pilot in that type;
    - (iv) for all other helicopters, 350 hours of flight experience as a pilot in that class.

## **Attachment 7 - 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.

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