



Miscellaneous

No: 1365

Regulation (EU) No. 1178/2011

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Derogation

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**The United Kingdom of Great Britain and Northern Ireland will apply the provisions of Commission Regulation (EU) 1178/2011, Article 12(4), restricted to the holders of licence certificate issued by the Federal Aviation Administration of the United States of America only**

- 1) This use of the derogation within Article 12(4) precludes the need for the holders of FAA certificates exercising private licence privileges to complete UK Part-FCL conversion or validation of their certificates in accordance with Regulation (EU) No. 1178/2011, Annex III, as above, subject to the conditions (stated in Appendix 1 of this document). These conditions reflect requirements that are expected to apply following conclusion of the Bi-lateral Aviation Safety Agreement (BASA) currently under negotiation with the USA.
- 2) Conditions:
  - a. Individuals subject to this derogation, must make a Declaration using form SRG2140.
  - b. Any such Declaration is only valid for up to 20 June 2021, unless revoked.
  - c. Previous Declarations cease to be valid by 20 June 2021, whichever expires the soonest.
  - d. Applicants must permanently reside in the UK.
- 3) The use of this derogation will be effective from the date it is signed until 20 June 2021 or until superseded by any BASA concluded with the USA in the interim, unless revoked prior.

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for the Civil Aviation Authority

01 April 2020

**Explanatory Note:**

Whilst the BASA with the USA remains under negotiation, the use of the derogation enables FAA pilot licence holders permanently residing in the UK and wishing to exercise private licence privileges to continue to operate in UK airspace without the need to comply with the full validation and conversion requirements stated in Annex III to Regulation (EU) No. 1178/2011 (The Aircrew Regulation). This will be subject to such licence holders satisfying criteria intended to provide the safety mitigation required by the use of derogation under article 12(4) of **Commission Regulation (EU) 1178/2011**. The criteria used represent some of those contained in the terms of the draft proposed BASA and have been selected in order to ensure that the requirements both anticipate likely future requirements and may not be considered unduly onerous.

### **FAA Derogation conditions**

Text extracted from the draft proposal for the BASA with the USA

- 2.1 Conditions to be satisfied by holders of FAA pilot licences seeking to operate under the derogation from the need to comply with Annex III of Regulation (EU) 1178/2011 validation and conversion requirements.
  - 2.1.1 Language proficiency
    - (a) An applicant must demonstrate or provide evidence that he/she has acquired language proficiency in accordance with FCL.055 unless the applicant holds an 'English proficient' endorsement on his/her FAA pilot certificate. The 'English proficient' endorsement is deemed to be equal to English language proficiency level 4 according to Part-FCL Aircrew Regulation.
    - (b) If the applicant wishes to have English language proficiency level 5 or 6 endorsed on his/her licence under Part-FCL, he/she needs to follow the method of language assessment established by the UK in accordance with FCL.055.
  - 2.1.2 Medical fitness
    - (a) The applicant shall either have a valid FAA Class 3 aircrew medical or meet the relevant Part-MED medical requirements as stipulated in Commission Regulation (EU) No 1178/2011 for the privileges sought by the applicant and obtain a Part-MED medical certificate. The medical certificate must be at least Class 3 and appropriate to the licence and ratings held.
  - 2.1.3 Theoretical knowledge

The applicant must demonstrate to a UK examiner that he/she has acquired theoretical knowledge of UK 'Air law and ATC procedures' at a level appropriate to the privileges of the licence and ratings privileges they intend to exercise.
  - 2.1.4 Licence Confirmation
    - (a) Upon receiving an application from an FAA certificate holder, the UK CAA must request and receive a licence confirmation from the FAA to ensure that the FAA licence is authentic, valid, and that there is no current investigation of the airman's certificate, nor suspension or revocation of the certificate. The request will be sent to Civil Aviation Registry (AFS-700).
    - (b) The applicant must provide proof of the existing FAA licence (or certified photocopy) to the UK CAA and follow the UK CAA's verification and declaration process
  - 2.1.5 Verifying FAA pilot currency
    - (a) The applicant will provide a logbook(s) or other written documentation to the UK CAA to demonstrate his/her currency for the FAA pilot certificate which is held.

- (b) If necessary, the UK CAA may delegate the task of confirmation of pilot currency. In such cases the applicant is to be informed of the procedure to be followed.
- (c) If unable to verify an applicant's currency through the documentation that is provided by the applicant, the UK CAA may consult FAA's General Aviation and Commercial Division (AFS- 800) via email or by phone.
- (d) All FAA pilots are considered to have fulfilled U.S. currency requirements for a pilot certificate if the terms of 14 CFR §61.56 have been met. The documentation that will typically be provided will be one or multiple documents consisting of the following:
  - (i) A pilot logbook endorsement;
  - (ii) An FAA pilot certificate with a date of initial issuance within the previous 24 calendar months;
  - (iii) An FAA flight instructor certificate with a date of issuance (Block X on the pilot certificate) within the previous 24 calendar months (utilized for meeting the ground requirement only);
  - (iv) An employment record of an active FAA air carrier pilot;
  - (v) A record of a pilot proficiency check or practical test conducted by the U.S. Armed Forces for a certificate, rating or operational privilege. If needed, verification of such documentation may be obtained by contacting AFS-800.
  - (vi) An employment record of an inactive FAA air carrier pilot within the previous 24 calendar months; or
  - (vii) A document stating that the applicant has satisfactorily accomplished one or more phases of an FAA-sponsored pilot proficiency award program (the FAA WINGS program) within the previous 24 calendar months.