

Issued: 3 May 2016

UK Derogations Notified under Regulation (EU) No. 1178/2011 Article 12 including Extension to the Annex III Opt Out for Individuals using Third Country Licences

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

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

Applicability:	
Aerodromes:	Not primarily affected
Air Traffic:	Not primarily affected
Airspace:	Not primarily affected
Airworthiness:	Not primarily affected
Flight Operations:	All Aircraft Owners permitting their aircraft to be used by Third Country Licence Holders, All Third Country Operators, with aircraft based within the United Kingdom
Licensed/Unlicensed Personnel:	All Third Country Licence Holders not involved in operating commercial flights

1 Introduction

- 1.1 This IN is intended to notify publication of ORS4 No. 1171 regarding "Amended use of Derogations Notified to the European Commission by the United Kingdom under Article 12 of the Aircrew Regulation effective 8 April 2016".
- 1.2 ORS4 No. 1171 provides, amongst other things, for extension to the opt-out derogation from third country flight crew licensing validation requirements set out in Annex III to Regulation (EU) No. 1178/2011 (the Aircrew Regulation, as amended), in the terms set out below.
- 1.3 ORS4 No. 1171 supersedes ORS4 No. 1163 "UK Licence Validation Requirements for Holders of ICAO Annex I Flight Crew Licences" providing a general exemption from the requirements of Annex III to Regulation (EU) No. 1178/2011 and ORS4 No. 1091 "Amended use of Derogations Notified to the European Commission by the United Kingdom under Article 12 of the Aircrew Regulation effective 8 April 2015". These are now withdrawn.
- 1.4 This IN supersedes IN-2016/036.

2 Scope

- 2.1 The Civil Aviation Authority, on behalf of the United Kingdom, pursuant to Article 12 of Commission Regulation (EU) No. 1178/2011, has extended its opt-out derogation from the Regulation's Annex III validation requirements for any holder of a pilot licence issued by a third country in compliance with the requirements of Annex 1 to the Chicago Convention. The effective period of this opt-out depends on the type of flying that the licence holder proposes to do:
- a) where flights may be considered non-commercial and the pilot does not receive any remuneration or other valuable consideration for their services as such, from 8 April 2016 until 8 April 2017.
 - b) where flights may be considered commercial or the pilot receives any remuneration or other valuable consideration for their services as such, from 8 April 2016 until 25 August 2016.
- 2.2 The legal effect of this derogation is limited to UK airspace. Individuals and operators are responsible for ensuring that, if a flight will enter non-UK airspace, the competent authority for that airspace has enacted provisions which ensure that the flight will also be legal there.

3 Queries

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

ISP Licensing Policy
Civil Aviation Authority
2W, Aviation House
Gatwick Airport
RH6 0YR

E-mail: ISPTechnicalSupportTeam@caa.co.uk

4 Cancellation

- 4.1 This Information Notice will remain in force until 8 April 2017.