



Miscellaneous

No: 1490

UK Regulation (EU) No 1178/2011

Publication date: 24 May 2021

General Exemption E 5450

Holders of FAA Pilot Licences who are Permanently Residing in the United Kingdom and Exercising Private Licence Privileges based on a licence issued by the United States of America within United Kingdom airspace

Background

1. As of 20 June 2021, Article 12(4) of UK Regulation (EU) No 1178/2011 (the UK Aircrew Regulation) no longer applies, Article 12(4) has to date provided the legal means to apply a derogation against Article 3 of the Aircrew Regulation, as applied in scope by Article 2(1)(b)(i) of UK Regulation (EU) 2018/1139 (the UK Basic Regulation). The use of the derogation had been allowed for the progression of a Bilateral Aviation Safety Agreement between the EU and the USA, but any agreement between the EU and the USA in this respect will not apply to the United Kingdom.
2. This exemption is being issued taking into account the urgent unforeseeable circumstances caused by the disruption due to the Covid-19 outbreak, which have prevented conversion of the Federal Aviation Administration (FAA) Airman Certificate to a UK licence and to assist those individuals who have not yet converted their Federal Aviation Administration (FAA) Airman Certificate to a UK licence, allowing additional limited time to complete the process.

Interpretation

3. In this exemption, references to EU regulations are to those regulations as retained and amended in UK domestic law under the European Union (Withdrawal) Act 2018 and are referenced as "UK Regulation (EU) year/number" or "UK Regulation (EU) No. number/year".

Exemption

4. The Civil Aviation Authority, pursuant to Article 71(1) of UK Regulation (EU) 2018/1139, due to urgent unforeseeable circumstances as a result of the current pandemic, exempts pilots permanently residing in the UK and operating aircraft private privileges only (non-commercial operations) and who hold a valid FAA Airman Certificates, from Article 3 of UK Regulation (EU) No 1178/2011, until 21 December 2021 subject to the conditions stated at paragraph 5 and paragraph 6.

Conditions

5. Conditions of this Exemption:
 - a. Current declarations due to expire 20 June 2021 are extended until 21 December 2021, on the proviso the holder still holds a current and valid FAA airman certificate. A copy of previous declaration and this exemption are to be carried in case of ramp checks.
 - b. Individuals initially making use of this exemption, must make a declaration using form [SRG2140](#), also to be submitted is an application for verification of their FAA Airman Certificate using form [SRG2142](#).
 - c. Individuals must comply with the requirements stated at Appendix 1, these conditions reflect the requirements normally required as part of a validation of a Third Country Licence.
 - d. Any such declaration is only valid until 21 December 2021, unless revoked.
 - e. When operating flights in a United Kingdom (G) registered aircraft, these must be within the United Kingdom and in day Visual Flight Rules ('VFR'), no remuneration, instruction or examination allowed.
6. This exemption supersedes Official Record Series 4 No. 1380 which is revoked.

Date in Force

7. This exemption has effect from 21 June 2021 until 21 December 2021, both dates inclusive, unless previously revoked

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for the Civil Aviation Authority

24 May 2021

Explanatory Note:

With effect of 22 December 2021 FAA Airmen Certificate holders who permanently reside within the UK, cannot operate on the basis of such a certificate within United Kingdom airspace, such certificate holder must convert to a lifetime UK Part-FCL licence, or apply for a 12 months validation certificate (renewable only once), should they want to continue operating in UK airspace.

There will be no further alleviations provided unless the conditions for such an alleviation in article 71(1) of the retained Basic Regulation apply.

Web links to conversion information:

[Recognition of ICAO third country licences in UK airspace](#)

[Private pilot licences \(aeroplanes\)](#)

[Private pilot licences \(helicopters\)](#)

Appendix 1**FAA Exemption conditions**

1. Conditions to be satisfied by holders of FAA Airman Certificate seeking to operate under this general exemption from the need to comply with Articles 3 of UK Regulation (EU) No. 1178/2011 are as follows.
2. Language Proficiency

An applicant must demonstrate or provide evidence that they are meet language proficiency in accordance with FCL.055 of UK Regulation (EU) No. 1178/2011 (the UK Aircrew Regulation) unless the applicant holds an 'English proficient' endorsement on their FAA Airman Certificate. The 'English proficient' endorsement is deemed to be equal to English language proficiency level 4 according to the UK Part-FCL Aircrew Regulation.
3. Medical Fitness

The applicant shall either have a valid FAA Class 3 aircrew medical or meet the relevant UK Part-MED medical requirements as stipulated in UK Regulation (EU) No. 1178/2011, Annex IV for the privileges sought by the applicant and obtain a UK Part-MED medical certificate. The medical certificate must be at least FAA Class 3 and appropriate to the licence and ratings held.
4. Theoretical Knowledge

The applicant must demonstrate to a UK examiner that they have 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.
5. Licence Confirmation
 - (a) Upon receiving an application from an FAA Airman Certificate holder, the CAA will request and receive a licence confirmation from the FAA to ensure that the FAA Airman Certificate is authentic, valid, and that there is no current investigation of the Airman's Certificate, nor suspension or revocation of the certificate.
 - (b) The applicant must provide proof of the existing FAA licence to the CAA and follow the CAA's verification and declaration process
6. Verifying FAA Pilot Currency
 - (a) The applicant will provide a logbook(s) or other written documentation to the CAA to demonstrate their currency for the FAA Airman Certificate which is held.
 - (b) All FAA Airman Certificate holders 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 Airman 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) An employment record of an inactive FAA air carrier pilot within the previous 24 calendar months; or
- (vi) 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.

7. Documentation

All documents provided to the CAA are to be copies certified by a UK Examiner, with the statement on each page 'I certify this to be a true copy' the examiner is to sign date, provide their name in BLOCK CAPITALS and their licence number on each document.

8. Turnaround Time

As there is another regulatory body involved in the process, the CAA cannot provide an estimate as to turnaround times.