

Guidance Bulletin for the Aircrew Domain

End to UK Transitional Period

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1 Topic 1: Transfer of existing UK issued FCL licences & certificates, Cabin Crew attestations, and Part-MED/ATCO medical certificates to a European Union (EU) Member State (EU27) prior to 01 January 2021

1.1 Introduction

As the transition period under the EU-United Kingdom (UK) withdrawal agreement nears its end, an increasing number of holders of UK Civil Aviation Authority (CAA) issued Part-FCL licences, cabin crew attestations, and/or Aircrew and Air Traffic Controller (ATCO) medical certificates have decided to take preparedness measures to avoid losing the validity of their licences and medical certificates in the European Union Aviation Safety Agency (EASA) system. This means that various EU Member States competent authorities are seeing a significant rise in the number of requests concerning transfer-in of these UK licences or medical certificates.

Such transfers are possible under the current EU legal framework and the Commission notices on Brexit preparedness have advised licence holders to take such measures as appropriate to their situation. The EASA Committee has also discussed the practical arrangements needed. However, EU Member States have also reported on different approaches as regards the administrative requirements related to such transfers. It appears that whilst some EU Member States competent authorities employ very light administrative procedures, others may require considerable examination of competences and documents. This bulletin provides guidance in regard to the various licences, certificates and attestations that are impacted by the aforementioned situation.

This bulletin constitutes an update of the guidance that EASA issued on 14 February 2019 and takes into account the fact that with the end of the transitional period on 31 December 2020, the EU aviation safety requirements will cease to apply in the UK. This implies that UK CAA issued licences, certificates and attestations, including certificates attesting completion of tests and examinations, will have to be treated as issued by a third country authority as of 1 January 2021, unless a transfer of UK licences, certificates and attestations will occur before the 1 January 2021.

1.2 Recognition of certificates and declarations under Regulation (EU) 2018/1139

Regulation (EU) 2018/1139 (Basic Regulation) states in Article 67(1) that:

“Certificates issued by the Agency or the national competent authorities, and declarations made by natural and legal persons in accordance with this Regulation and with the delegated and implementing acts adopted on the basis thereof shall be subject exclusively to the rules, conditions and procedures laid down in this Regulation and national administrative requirements and shall be valid and recognised in all Member States, without further requirements or evaluation.”

It is important to note that the mutual recognition of certificates and declarations, as provided for in Article 67 of the Basic Regulation, is to take place ‘*without further requirements or evaluation*’.

In addition, Regulation (EU) 2020/359 introduced specific provisions to the Commission Regulation (EU) No. 1178/2011 to be followed in case of change of competent authority.

ARA.GEN.360 states that:

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(a) Upon receiving a licence holder's request for a change of competent authority as specified in point FCL.015(e) of Annex I (Part-FCL), point BFCL.015(f) of Annex III (Part-BFCL) to Commission Regulation (EU) 2018/395 or point SFCL.015(f) of Annex III (Part-SFCL) to Commission Implementing Regulation (EU) 2018/1976, the receiving competent authority shall, without undue delay, request the competent authority of the licence holder to transfer, without undue delay, all of the following:

(1) A verification of the licence;

(2) Copies of the licence holder's medical records kept by that competent authority in accordance with points ARA.GEN.220 and ARA.MED.150. The medical records shall be transferred in accordance with point MED.A.015 of Annex IV (Part-MED) and shall include a summary of the relevant medical history of the applicant, verified and signed by the medical assessor.

(b) The transferring competent authority shall keep the licence holder's original licensing and medical records in accordance with points ARA.GEN.220, ARA.FCL.120 and ARA.MED.150.

(c) The receiving competent authority shall, without undue delay, reissue the licence and medical certificate provided that it has received and processed all documents specified in point (a). Upon the reissuance of the licence and medical certificate, the receiving competent authority shall immediately request the licence holder to surrender to it the licence issued by the transferring competent authority and the associated medical certificate.

(d) The receiving competent authority shall immediately notify the transferring competent authority once it has reissued the licence and medical certificate to the licence holder and the licence holder has surrendered the licence and medical certificate pursuant to point (c). Until such a notification is received, the transferring competent authority remains responsible for the licence and the medical certificate originally issued to that licence holder.

Pilot licences, Aircrew and ATCO medical certificates

Holders of pilot licences and Aircrew and/or ATCO medical certificates issued by the UK CAA should apply to a competent authority of an EU Member State (from here on referred to as 'EU27 Member State') before 01 January 2021 for a change of competent authority responsible for their license or medical certificate.

That request for a change of competent authority should be completed in accordance with the application process and forms developed by the receiving competent authority. The change of the competent authority and the re-issue of the licence or medical certificate should be done in accordance with the provisions of the abovementioned point ARA.GEN.360 of Commission Regulation (EU) No 1178/2011.

When processing licence or medical certificate transfer applications from the UK to a EU27 Member State, it should be kept in mind that, until 31 December 2020, the UK CAA remains fully authorised as an EU competent authority, to examine applications for compliance and to issue licences and certificates in accordance with Part-FCL, Part-SFCL and Part-BFCL. Such licences and certificates should be valid and recognised in the EU27 Member States without any additional requirements or evaluation until 31 December 2020. This means that there is no need for the competent authority of an EU27 Member State receiving such an application from an applicant holding a Part-FCL, SFCL or BFCL licence and/or Aircrew and ATCO medical certificate issued by the UK CAA to verify compliance of documents or medical examinations, beyond checking that the UK competent authority has already done that verification, as proven by the issuance of a valid licence and/or certificate.

Therefore the receiving EU27 Member State competent authorities should limit their action to verifying the completeness of the certificates, declarations and other relevant documents provided, and refrain from further examinations. Exemptions from this principle could be situations, where the applicant is subject to

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an exemption¹ or to a special medical circumstances protocol only applicable in the UK², or where there is reason to believe that some of the documentation provided by the applicant may not be genuine.

This approach is only valid until the end of the UK transitional period and as far as the applications for the change of competent authority concern licences and medical certificates which are valid. Renewals of expired certificates or ratings should be processed in accordance with the provisions for the renewal process of such certificate or rating.

The process should be carried out in a way that allows at any stage the clear identification of the competent authority responsible for the specific licence or certificate.

From 1 January 2021, to obtain a Part-FCL, BFCL or SFCL licence, the holder of a UK licence must apply to a EU27 Member State for the conversion of the UK licence, in accordance with the provision of Commission Delegated Regulation (EU) 2020/723. The conversion will require the applicant to undertake additional training as well as theoretical and flight examination. See also section 3 of this Bulletin.

For holders of pilot licences issued in one of the EU27 Member States, currently holding a medical certificate issued under the authority of an EU27 Member State, even if it was based on an examination by an UK aero-medical examiner (AME), those medical certificates remain valid until the end of their natural validity. These medical certificates were issued on behalf of EU27 Member States and are valid and recognised in the EU in accordance with Article 67 of the Basic Regulation.

1.3 Aero-medical examiners (AME)

As regards the AMEs certified by the UK CAA wishing to maintain their privilege to issue medical certificates in accordance with Commission Regulation (EU) No 1178/2011 for Aircrew or Commission Regulation (EU) 2015/340 for ATCO they should apply for a change of competent authority to a EU27 Member State before 01 January 2021. Similarly as for the pilot licences or medical certificates, the EU27 Member State competent authority receiving such applications should limit its actions to verifying the completeness of the documents and declarations provided. It should be highlighted that existing UK AME's are deemed to be fully qualified and licenced for the practice of medicine in accordance with MED.D.010 in Part-MED to Commission Regulation (EU) No 1178/2011. In this context EU27 Member State competent authorities are also encouraged to ensure language barriers posed by their applicable national procedures are properly mitigated, to the extent permitted by the laws governing the practice of medicine in the receiving Member State. The privileges and the end of validity of these AME certificates should remain in accordance with their former UK CAA AME certificate.

1.4 Instructor certificates and examiner certificates

Holders of instructor and/or examiner certificates, such as synthetic flight instructor (SFI), synthetic flight examiner (SFE) and certificates issued under FCL.900(c) and FCL.1000(c), issued by the UK CAA should apply for a change of competent authority to an EU27 Member State before 01 January 2021. The EU27 Member State competent authority receiving such applications should limit its actions to verifying the completeness of the documents and declarations provided. The privileges and the end of validity of these instructor and/or

¹ In accordance with either Article 14 of Regulation (EU) 216/2008 or Article 71 of Regulation (EU) 2018/1139.

² In accordance with ARA.MED.330

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examiner certificates should remain in accordance with their former UK CAA instructor and/or examiner certificate.

In the early implementation of Commission Regulation (EU) No 1178/2011, the UK was authorised by the Commission to derogate from certain common aviation safety rules pursuant to Article 14(6) of former Regulation (EC) No. 216/2008, now replaced by the Regulation (EU) No 2018/1139. For example, among the authorised derogations, one is related to FCL.905.SFI with respect to Synthetic Flight Instructor (SFI) privileges to allow SFIs to teach other SFIs.³

Such extended privileges stemming from derogations authorised to the UK CAA under Article 14(6) of the former Regulation (EC) No 216/2008 can be maintained in the EU27 Member States after 31 December 2020 only in case of transfer of the UK licence and the relevant UK instructor certificate to an EU27 Member State that is also making use of the same or of a similar derogation for instructors.

Upon the transfer to an EU 27 Member State of the UK instructor or examiner certificate, the validity of those documents will remain in accordance with the former UK CAA licence and certificate. The privileges of the holder will be those given by Commission Regulation (EU) No 1178/2011, Commission Regulation (EU) 2018/395 and Commission Implementing Regulation (EU) 2018/1976, unless the new competent authority is making use of the flexibility provided for in the above mentioned Commission Decision 2014/69/EU or other similar measure.

1.5 Cabin Crew Attestations

As of 1 January 2021, cabin crew attestations issued by the UK CAA or organisations approved to do so by the UK CAA will no longer be valid and mutually recognised for use by aircraft operators certified in one of the EU27 Member States .

Holders of valid cabin crew attestation issued by the UK CAA or by an organisation approved to do so by the UK CAA, should apply for a change of competent authority to one of the EU27 Member States before 1 January 2021.

EASA recommends that with regard to those transfers the same principles should apply as described under point 1.2 above, even though the implementing rules do not contain detailed provisions governing the transfer of that category of certificates. Hence, taking into account the above and in accordance with Article 67 of the Basic Regulation:

- The application for a change of competent authority responsible for a cabin crew attestation shall be made in a form and manner established by the competent authority to which the applicant decides to apply;
- The EU27 Member State competent authority receiving such application should limit its actions to verifying the completeness of the documents and declarations provided;

The privileges and validity of the attestation issued by a EU27 Member State should remain in accordance with its former UK attestation.

³ Commission Decision 2014/69/EU of 6 February 2014 authorising Sweden and the United Kingdom to derogate from certain common aviation safety rules pursuant to Article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 39, 8.2.2014, p. 60).

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With regard to the validity of the UK cabin crew attestations the provisions of point CC.CCA.105 should be applied by EU27 Member State competent authorities. In accordance with that provision the cabin crew attestation shall be issued with unlimited duration and shall remain valid unless:

- (a) It is suspended or revoked by the competent authority; or
- (b) Its holder has not exercised the associated privileges during the preceding 60 months on at least one aircraft type.

Commission Regulation (EU) 1178/2011 does not specify how the cabin crew attestation can be renewed, for those holders that have not exercised the privileges of the attestation during the preceding 60 months on at least one aircraft type. In order to ensure uniform approach amongst EU 27 Member States, EASA recommends that in such cases the holders of the UK attestation should first undergo an initial training course and pass the required examination at a cabin crew training organisation approved by the UK or an EU27 Member State. The process established by the relevant competent authority will indicate whether credits of training can be given-

1.6 Conclusions

EU27 Member States competent authorities are encouraged to process applications for licences, certificates and/or attestations transfers from the UK to an EU27 Member State, having regard to the fact that until the end of the transitional period, such UK issued licences, certificates and/or attestations are still fully valid in the EASA-system and should be recognised without any additional requirements or evaluation in accordance with Article 67 of the Basic Regulation. Hence EU27 Member State competent authorities should refrain from requiring additional checks or evaluations, unless one of the special situations described above applies, even in the absence of dedicated implementing rules for the transfer of certain certificates and attestations.

In order for the holders of licences, certificates and/or attestations issued by the UK to continue benefiting from uninterrupted mutual recognition in the EU27 Member States, the request for the transfer of the license, certificate and/or attestation must be done before the end of the transitional period.

For holders of licences issued in one of the EU27 Member States, currently holding a medical certificate issued under the authority of a EU27 Member State competent authority, even if it was based on an initial examination by an UK aero-medical examiner (AME), those medical certificates remain valid and recognised in the EU until the end of their natural validity beyond 01 January 2021.

2 Topic 2: Training and theoretical knowledge examinations for the issue of pilot licences, ratings and other certificates.

2.1 General considerations

With the end of the transitional period the UK regulatory system will be considered as a system of a third country and, accordingly, any certificates and other documentation attesting completion of training, tests or examinations and issued by UK CAA or by legal and natural persons regulated by UK CAA will not be valid anymore in the EU as of 1 January 2021.

In this respect attentions of EU27 Member State competent authorities is drawn to the fact that with the entry into force of the EU-UK withdrawal agreement on 1 February 2020, Regulation (EU) 2019/494 of the European Parliament and of the Council of 25 March 2019 on certain aspects of aviation safety with regard

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to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union ceased to apply, including its Article 5 on the 'Carryover of training modules'.

In view of the above, this guidance addresses the following typical scenarios:

- Students who already completed training, tests or examinations in the UK and intend to apply for an EU27 pilot license, associated rating or certificate before 1 January 2021;
- Students whose training in the UK is still ongoing and who will not be able to apply for an EU27 pilot license, associated rating or certificate before 1 January 2021;
- Pilots who hold theoretical knowledge examination certificates issued by UK CAA and who would like to rely on those certificates in EU27 Member States after 31 December 2020.

The pre-requisite of all the above mentioned scenarios is that the student/pilot changes his/her competent licensing authority to a EU27 Member State competent authority as explained in Chapter 1 of this Guidance.

2.2 Students who already completed training, tests or examinations in the UK and intend to apply for an EU27 pilot license, rating or certificate before 1 January 2021

Students who already completed training, tests, or examinations in the UK and intend to apply for a EU27 pilot license, associated rating or certificate should apply to a EU27 Member State competent authority for the license, rating or certificate before 1 January 2021 in accordance with Commission Regulation (EU) No 1178/2011. After that date the recommendations for the theoretical and/or flight examination made by UK approved training organisations (ATOs) and declared training organisations (DTOs) as well as theoretical knowledge examination certificates issued by UK CAA become invalid in the EU27 Member States.

Additional considerations that EU27 Member State competent authorities should bear in mind in this respect are as follows:

- Point FCL.025 of Commission Regulation (EU) No 1178/2011 states that applicants shall take the entire set of theoretical knowledge examinations for a specific licence or rating under the responsibility of one Member State. That means that, once a student has begun examination in UK that student cannot change and complete the examination in an EU 27 Member State;
- The above also means that students that will not be able to successfully complete the entire set of theoretical knowledge examination in UK before the 31 December 2020 will have to re-take the entire theoretical examination in an EU27 Member State to get an EU27 licence, even when their theoretical examination is still within the validity period.

2.3 Ongoing training in the UK for the issue of a pilot licence, rating or certificate

Students who are currently undergoing training at a UK ATO or UK DTO may, until 31 December 2020, transfer that training to an ATO or DTO under the oversight of an EU27 Member State competent authority or EASA in accordance with the provisions of Commission Regulation (EU) No 1178/2011 in order to be able to rely on that training also after 31 December 2020 for the purpose of applying for a pilot license, rating or certificate from an EU27 Member State competent authority.

As regards ongoing training for the issue of a Commercial Pilot Licence (CPL) or an Airline Transport Pilot License (ATPL) the transfer should be made in accordance with point 2 of Appendix 3 of Annex 1 (Part-FCL) of Commission Regulation (EU) No 1178/2011 which states that "An applicant wishing to transfer to another ATO during a training course shall apply to the competent authority for a formal assessment of the further hours of training required." Such transfer is also possible as regards ongoing training for other categories of

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certificates, where so provided in Commission Regulation (EU) No 1178/2011.⁴ In those cases where such possibility of transfer is not explicitly provided for in the existing rules, EASA recommends to follow this approach by analogy.

In all such cases students should apply to a competent pilot licensing authority in a EU27 Member State for the assessment of the additional training required. The transfers to an ATO or DTO under the oversight of a EU27 Member State competent authority or EASA should be completed before 1 January 2021.

Once transferred to an ATO or DTO under the oversight of a EU27 Member State competent authority or EASA, the training course for the issue of the EU27 pilot licence, rating or certificate may be completed also after the 1 January 2021, provided that the requirements of Commission Regulation (EU) No 1178/2011 concerning course duration validity are met. In this respect attention of the EU27 Member State competent authorities is drawn to the following provisions:

- FCL.015 (f) requires the applicant for the issue of a licence, rating or certificate to apply not later than 6 months after having succeeded at the skill test or assessment of competence.
- According to FCL.725(c) 'Requirements for the issue of class and type ratings', the applicant for the issue of a class and type rating shall pass the skill test within a period of 6 months after commencement of the class or type rating training course and within a period of 6 months preceding the application for the issue of the class or type rating.

2.4 Pilots who hold theoretical knowledge examination certificates issued by UK CAA and who would like to rely on those certificates in EU27 after 31 December 2020.

As indicated above, with the cessation of application of Regulation (EU) 2019/494, there is no specific legal basis anymore for the recognition of validity in the EU 27 Member States of the UK theoretical knowledge examinations beyond 31 December 2020. Accordingly, such theoretical knowledge examination certificates can continue to be relied upon in the EU27 Member States after 31 December 2020 only if they constituted part of the pilot records formally transferred to an EU27 Member State competent authority before 1 January 2021 in accordance with the principles of Chapter 1 of this guidance and they are within the relevant validity period.

This possibility may be especially relevant for CPL issued by UK CAA. The ATPL integrated courses for aeroplanes and helicopters aim to train pilots to the level of proficiency to get a CPL/IR licence (in case of aeroplanes) or a CPL licence (in case of helicopters) and comprise theoretical knowledge instruction to the ATPL(A) knowledge level.

Accordingly where a holder of a CPL issued by the UK CAA holds also an ATPL theoretical knowledge examination certificate of completion issued by the UK CAA and has transferred the CPL to an EU27 Member State competent authority before 1 January 2021, as indicated in Chapter 1 of this guidance, the UK ATPL theoretical knowledge examination certificate transferred together with this file should continue to be accepted after 31 December 2020 for the issue of the ATPL (A) or (H) by any EU27 Member State. In such case, following the transfer, the normal rules of Commission Regulation (EU) No 1178/2011 concerning the validity of ATPL theoretical knowledge examination should apply.⁵

⁴ For example as regards PPL courses, point FCL.210 states that 'Theoretical knowledge instruction and flight instruction may be completed at a DTO or at an ATO different from the one where applicants have commenced their training.'

⁵ FCL.025 (c) (2) states that the completion of the ATPL theoretical knowledge examinations will remain valid for the issue of an ATPL for a period of 7 years from the last validity date of: (i) an IR entered in the licence; or (ii) in the case of helicopters, a helicopter's type rating entered in that licence.

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3 Topic 3: Acceptance of UK issued licences, ratings and medical certification from 1 January 2021

Acceptance of third country pilot licences is regulated under Commission Delegated Regulation (EU) 2020/723 and is to be followed by EU27 Member States after 01 January 2021 in case of applications for acceptance of pilot licences and associated medical certificates issued by the UK CAA. Member States may accept licences and associated ratings, privileges or certificates, as well as associated medical certificates issued in accordance with Annex 1 to the Convention on International Civil Aviation, signed on 7 December 1944 in Chicago ('the Chicago Convention'). No further transitional arrangements for the UK are foreseen at this stage.

4 Topic 4: Approved Training Organisations (ATO) and Declared Training Organisations (DTO) as well as Aero Medical Centres (AeMCs) located in the UK from 01 January 2021

4.1 Approved Training Organisations (ATOs) and Aero-medical Centres (AeMCs)

The status of ATOs and AeMCs having their principal place of business in the UK will change after 1 January 2021, when the UK will cease to apply EU law. In accordance with ORA.GEN.105 of Annex VII (Part-ORA) to Commission Regulation (EU) No 1178/2011, EASA becomes the competent authority for all those ATOs and AeMCs wishing to continue to deliver pilot training or medical examination in accordance with the EU requirements. The current ATO certificates issued by the UK CAA will no longer be valid for use towards EU Aircrew (Part-FCL), sailplane (Part-SFCL) and balloon (Part-BFCL) related training beyond 1 January 2021. Current AeMC certificates issued by UK CAA will no longer be valid for use towards EU initial and recurrent medical examinations. In order to avoid operational disruptions to delivering training towards EU Aircrew (Part-FCL) licences as well as issuing medical certificates, ATOs and AeMCs approved by the UK may submit an 'early' application to obtain an EASA issued certificates as soon as practical. The process of 'early' application is described here.

<https://www.easa.europa.eu/brexit-early-applications#others>

Aero Medical Examiners working in the AeMC applying to obtain an EASA AeMC certificate need to hold an AME certificate issued by a EU27 Member State competent authority.

Relevant information, forms and update can be found at the following link:

<https://www.easa.europa.eu/brexit-early-applications#ato>

If an early application has not be sent to EASA before 31 December 2020, the organisation will have to undergo an initial approval of the organisation prior to exercising again the privileges in the scope of the prospective initial approval.

4.2 Declared training organisations (DTO)

From 1 January 2021, DTOs having their principal place of business in the UK under the oversight of the UK CAA will no longer be able to deliver training towards EU Aircrew (Part-FCL), sailplane and balloon pilot licensing requirements.

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DTO.GEN.105 of Part-DTO does not foresee the possibility for an organisation having its principal place of business in a third country to submit a declaration in order to become a DTO overseen by EASA. Only organisations with the principal place of business in a EU27 Member State can become a DTO. As an alternative, organisations with a principal place of business outside the territories for which Member States are responsible under the Chicago Convention and intending to provide pilot training in accordance with the EU requirements shall submit an application for an ATO certificate to be issued by EASA.

5 Topic 5: Flight Simulation Training Devices (FSTD) operated by UK organisations and FSTDs located in the UK from 01 January 2021

On 01 January 2021, the EU law will cease to apply in the UK. As a consequence, the following FSTDs will change their status:

- FSTDs operated by an organisation with a principal place of business in the UK , including the ones located in the EU27 Member States; and
- FSTDs operated by an organisation with a principal place of business in an EU27 Member State and located in the UK;

Therefore, the current FSTD qualification certificates issued by the UK CAA or any other EU27 Member State’s authority for the above mentioned devices will no longer be valid for use towards EU Aircrew (Part-FCL) and/or Air Operations (ORO.FC) related training, testing and checking requirements as of 1 January 2021.

In accordance with the provisions of Article 78 of the Basic Regulation and ORA.GEN.105 (a) (2) of Commission Regulation (EU) No 1178/2011, EASA becomes the competent authority for all these FSTDs, if so required by their operators. A short summary of the different situations is indicated below:

Organisation PPB in →	UK	EU MS	3 rd Country
FSTD located in ↓			
UK	EASA (former UK)*	EASA (former EU MS)*/**	EASA (no change)
EU MS	EASA (former UK)*	EU MS (no change)	EASA (no change)
3 rd Country	EASA (no change)	EASA (no change)	EASA (no change)

* Application to be made to EASA.

** Organisations under the oversight of a EU27 Member State competent authority has to notify EASA that they are operating FSTDs located in the UK, in order to coordinate the transfer of oversight of these FSTDs

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with EASA . EASA will coordinate the oversight of these devices with the concerned competent authority after 31 December 2020.

In order to avoid operational disruptions:

- It is recommended for the organisations operating FSTDs where the principal place of business is in the UK and organisations operating FSTDs located in the UK to submit an 'early' application to EASA to replace their FSTD qualification certificates with EASA issued certificates as soon as practical. The process of 'early' application is described [here](#).
- The competent authorities of the EU27 Member States shall inform the organisations under their oversight which are using FSTDs located in the UK, to ensure that these devices have been granted an FSTD qualification certificate by EASA. This new identification has also to be updated in any certificate and document where the use of the relevant device is indicated.

If an 'early' application has not be sent to EASA before 31st December 2020, each FSTD operated by an organisation with a principal place of business in the UK or located in the UK will be subject to an initial qualification according to the latest CS-FSTD. In this process EASA will also need to verify if the organisation operating the FSTD is in compliance with the applicable organisation requirements.

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