

Topic 1: Transfer of existing UK issued Part-FCL Flight Crew Licences, instructor, and examiner certificates, or Part-66 AML Aircraft Maintenance Licences, or Part-CC Cabin Crew Attestations or Part-MED/ATCO medical certificates to another European Union (EU) Member State

1. Introduction

As the withdrawal of the UK from the EU (Brexit) is drawing closer, an increasing number of holders of a UK CAA issued Part-FCL licence, cabin crew attestation, and/or Aircrew and ATCO medical certificate 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 to transfer-in 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 of 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 seeks to provide guidance in regard to the various licences, certificates and attestations that are impacted by the aforementioned situation.

2. Basic Regulation (EU) 2018/1139 Mutual Recognition

The Basic Regulation (EU) 2018/1139 states in its Article 1 that one of the objectives of the Basic Regulation is to facilitate free movement of goods, persons, services and capital and mutual recognition of declarations and certificates. In this respect points (2)(b) and (3)(c) of that article as well as first paragraph of Article 67 are of particular relevance:

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Article 1

2. This Regulation further aims to:

...

(b) facilitate, in the fields covered by this Regulation, the free movement of goods, persons, services and capital, providing a level playing field for all actors in the internal aviation market, and improve the competitiveness of the Union's aviation industry;

...

3. The objectives set out in paragraphs 1 and 2 shall be achieved by, inter alia:

...

(c) ensuring that the declarations and certificates issued in accordance with this Regulation, and with the delegated and implementing acts adopted on the basis thereof, are valid and recognised throughout the Union, without any additional requirements;

Article 67

1. 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 is to take place *without any additional requirements or evaluation*.

In addition to the Basic Regulation, Commission Regulation (EU) No 1178/2011 includes provisions on issuing, revalidating, renewing and changing licences, ratings, certificates and attestations, as applicable. In particular, ARA.GEN.315 as well as its AMC1 ARA.GEN.315 (a) are relevant:

ARA.GEN.315 Procedure for issue, revalidation, renewal or change of licences, ratings, certificates or attestations – persons

(a) Upon receiving an application for the issue, revalidation, renewal or change of a personal licence, rating, certificate or attestation and any supporting documentation, the competent authority shall verify whether the applicant meets the applicable requirements.

(b) When satisfied that the applicant meets the applicable requirements, the competent authority shall issue, revalidate, renew or change the licence, certificate, rating, or attestation.

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AMC1 ARA.GEN.315 (a) Procedure for issue, revalidation, renewal or change of licences, ratings or certificates - persons

VERIFICATION OF COMPLIANCE

(a) In order to verify that the applicant meets the requirements, the competent authority should review the application and any supporting documents submitted, for completeness and compliance with applicable requirements.

(b) As part of the verification that the applicant meets the requirements, the competent authority should check that he/she:

(1) was not holding any personnel licence, certificate, rating, authorisation or attestation with the same scope and in the same category issued in another Member State;

(2) has not applied for any personnel licence, certificate, rating, authorisation or attestation with the same scope and in the same category in another Member State; and

(3) has never held any personnel licence, certificate, rating, authorisation or attestation with the same scope and in the same category issued in another Member State which was revoked or suspended in any other Member State.

(c) The competent authority should request the applicant to make a declaration covering items (b)(1) to (b)(3). Such declaration should include a statement that any incorrect information could disqualify the applicant from being granted a personnel licence, certificate, rating, authorisation or attestation. In case of doubts, the competent authority should contact the competent authority of the Member State where the applicant may have previously held any personnel licence, certificate, rating, authorisation or attestation.

The main question at stake appears to be what is considered an appropriate verification that “the applicant meets the applicable requirements”. AMC1 ARA.GEN.315 (a) gives some insight to this. Point (a) of this AMC requires the competent authority to review the documents of the application for completeness and compliance. Point (b) adds three other requirements, but those additional requirements can be fulfilled by means of a declaration by the applicant. Therefore point (a) is the most relevant for the work of a competent authority.

2. Pilot licences, and 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 a EU27 Member State before 29 March 2019. When processing licence or medical certificate transfer applications from the future former EU Member State United Kingdom to another EU Member State (so called EU27 State), it should be kept in mind that until 29 March 2019, the UK remains a EU Member State and its competent authority remains fully authorised to examine applications for compliance and to issue various certificates. This means that there is no need for the competent authority receiving such an application from an applicant holding a Part-FCL 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 State competent authorities should focus on verifying the completeness of the certificates, declarations and other relevant documents provided, and refrain from further examinations.

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Exemptions from this basic case could be situations, where the applicant is subject to an exemption¹ or to a special medical circumstances protocol only applicable in the UK², or there is reason to believe that some of the documentation provided may not be genuine.

This approach is only valid up to the date of withdrawal and as far as the applications concern licences and medical certificates which are currently valid. Revalidations and renewals of expired licences, certificates or ratings should be processed through normal methods, as is done for locally based applicants.

For holders of licences issued in one of the EU27 States, currently holding a medical certificate issued under the authority of a EU27 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 competent authorities and are merely a snapshot of the situation at the moment of examination. These medical certificates shall stay valid beyond 30th of March 2019 as long as the respective EU27 competent authority have received the latest medical report from the respective UK AME in accordance with MED.A.025(b)(4) or ATCO.MED.A.025(b)(4).

3. Aero-medical examiners (AME)

As regard to the AMEs certified by the UK CAA wishing to maintain their privilege to issue Aircrew and/or ATCO Regulations' compliant medical certificates they should apply to a competent authority of a EU27 Member State before 29 March 2019. The EU27 Member State competent authority receiving such applications should only verify the completeness of the documents and declarations provided. The AME certificates may be issued by a EU27 competent authority before 30th of March 2019, but should have the date of entry into force of 30th of March.

The privileges and validity of these AME certificates should remain in accordance with their former UK CAA AME certificate.

4. Instructor certificates and examiner certificates

Holders of instructor and/or examiner certificates, such as SFI, SFE and certificates issued under FCL.900(c) and FCL.1000(c), issued by the UK CAA should apply to a competent authority of a EU27 Member State before 29 March 2019. The EU27 Member State competent authority receiving such applications should only verify the completeness of the documents and declarations provided. The certificates may be issued by a EU27 competent authority before 30th of March 2019, but should have the date of entry into force of 30th of March. The privileges and validity of these instructor and/or examiner certificates should remain in accordance with their former UK CAA instructor and/or examiner certificate.

5. Cabin Crew Attestations

Holders of cabin crew attestation issued by the UK CAA or by UK approved organisations should apply to a competent authority of a EU27 Member State before 29 March 2019.

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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The same principles of mutual recognition apply as described under 1 in the absence of implementing rules for transfer of attestations. The EU27 Member State competent authorities receiving such applications should only verify the completeness of the documents and declarations provided. The attestation may be issued by a EU27 competent authority before 30th of March 2019, but should have the date of entry into force of 30th of March. The privileges and validity of the attestation should remain in accordance with CC.GEN.025 and CC.CCA.105 respectively.

6. Part-66 AML licences

Part-66 also includes some provisions of relevance. Particularly point 66.1 (a)(2) notes that a licence may be transferred to another State so that the original licence is revoked and all records referred to in point 66.B.20 are transferred to the new authority.

Under point 66.B.25, all competent authorities are obliged to engage in mutual exchange of information to facilitate the implementation of the Regulation.

Once the records have been transferred, the receiving licensing authority should focus on verifying the completeness of the documents, and refrain from further examinations. Exemptions from this basic norm could be situations, where there is reason to believe that some of the documentation provided may not be genuine.

A number of initial licenses contain limitations resulting from protected rights of preceding national licences that did not have the same privileges or were based on reduced basic knowledge. If the licence holder wants to remove one or more limitations he or she should first consider to remove them under the UK system. If the removal process is too lengthy the removal of limitations will take place under the regime of the new authority on the basis of the transferred conversion report.

The fact that a license has limitations should not prevent the new licensing authority to re-issue the transferred license without further examinations.

The imitations and conditions to remove limitations should be identical to the ones for the 'old' license.

When the licensing system of the new authority is not suited for replacing the licenses with identical limitations, the new license should contain equivalent limitations that cover at least the original limitations. Similarly the conditions to remove the limitations should be identical or at least cover the original conditions as defined in the conversion report.

7. Conclusions

EU Member States competent authorities are encouraged to process applications for licences, certificates and/or attestations transfers from the UK to a EU27 State, with regard to the fact that until the withdrawal date such UK issued licences, certificates and/or attestations are still fully valid in the EASA-system. Hence 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 to benefit from mutual recognition, the request for transfer must be done before the withdrawal date. If the EU27 Member State competent authority receives the request before the withdrawal date, but does not have sufficient time to process the application before

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that date, it is left to the discretion of the competent authority whether it will still issue a EU27 certificate after that date, as the legislation in force does not contain sufficient guidance on the matter. For holders of licences issued in one of the EU27 States, currently holding a medical certificate issued under the authority of a EU27 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.

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Topic 2:

Flight Simulation Training Devices (FSTD) located in the UK

In regard of the Brexit, an increasing number of organisations operating FSTDs and EU27 Member State competent authorities have contacted EASA in order to obtain information on the future status of the FSTDs located in the UK and the procedure to follow to ensure these devices remain qualified to be used for European Aircrew (Part-FCL) and/or Air Operations (ORO.FC) related training, testing and checking requirements.

In the event of a no deal Brexit scenario, the UK becomes a third country. The status of FSTD organisations having their principal place of business in the UK, and every FSTDs located in the UK, will change in this case. In accordance with Part ORA.GEN.105 in the Aircrew Regulation, EASA becomes the competent authority for all these organisations and FSTDs (if required by them), and the current FSTD certificates issued by the UK CAA or any other EU MS authority in the UK will no longer be valid for use towards European Aircrew (Part-FCL) and/or Air Operations (ORO.FC) related training, testing and checking requirements. 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.

** Organisation has to notify the EASA as the coordination between the UK CA and the EASA will cease.

In order to avoid operational disruptions, it is imperative that EU Member States competent authorities inform the organisations under their oversight that operate FSTDs in the UK on the basis of this information and recommend them to submit an 'early' application to replace their EU27 issued FSTD certificates with EASA issued certificates as soon as practical. The process of 'early' application is described [here](#).

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