

1.0 INTRODUCTION

Following is a guidance bulletin for the Aircrew Domain regarding the end of the UK transition period for Brexit.

2.0 Transfer of existing UK issued FCL licences & certificates, Cabin Crew attestations, and Part-MED/ATCO medical certificates to Malta prior to 01 January 2021

2.1 Introduction

Transfers from UKCAA licences, certificates and attestations to a Malta EASA licence, certificate or attestation are possible under the current EU legal framework.

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.

Nevertheless, examination of an attestation may be accepted with proof of a successful completion of a cabin crew initial examination (point CC.TRA.220(c)) under the oversight of the UK CAA before 1 January 2021, provided that the examination was completed within the 60 months preceding the application (validity period as per point CC.CCA.105(b))

2.2 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.”

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:

(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 if 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 wishing to transfer to Malta, Form 0035 shall be completed and sent to Personnel Licensing Unit on cadpel.tm@transport.gov.mt. Also, all medical records must be transferred to the Maltese Aeromedical Unit before TM-CAD is able to issue the EASA Part-FCL Licence. Liaise with the Aeromedical Section on - paul.scirha@transport.gov.mt for further information. A detailed description of the transfer process is explained on the FAQ section in the Personnel Licensing section of the Transport Malta website as below:

<https://www.transport.gov.mt/aviation/personnel-licensing-642>

UKCAA licences and certificates will be recognized by Malta without any additional requirements or evaluation until 31 December 2020 as provided for in Article 67 of the Basic Regulation, unless where the applicant is subject to an exemption or to a special medical circumstances protocol only applicable in the UK, 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 shall be processed in accordance with the provisions for the renewal process of such certificate or rating.

From 1 January 2021, to obtain a Malta Part-FCL licence, the holder of a UK licence must apply 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 4 of this Bulletin.

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

2.3 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 if they wish to change their competent authority to Malta shall do so prior to 01 January 2021 by sending communication to cadpel.tm@transport.gov.mt.

2.4 Instructor certificates and examiner certificates

Holders of instructor and/or examiner certificates issued under FCL.900(c) and FCL.1000(c) if they wish to apply for a change of competent authority to Malta shall do so prior to 01 January 2021 by sending communication to cadpel.tm@transport.gov.mt.

Note: Derogations authorised to the UK CAA under Article 14(6) of the former Regulation (EC) No 216/2008 can only be maintained after 31 December 2020 in case Malta is also making use of the same or of a similar derogations.

2.5 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 EU 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, if they wish to change their competent authority to Malta shall do so prior to 01 January 2021.

Since there is no implementing regulation regarding attestation transfers the following shall apply:

- Organisation/ authority verifies the completeness of the documents
- Applicant signs a declaration that information provided is correct
- Medical documents are transferred or submitted to TM-CAD

The privileges and validity of the attestation shall remain in accordance with CC.GEN.025 and CC.CCA.105 respectively. 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.

2.6 Conclusions

In order for the holders of licences, certificates and/or attestations issued by the UK to continue benefiting from uninterrupted mutual recognition in the EU 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 EU Member States, currently holding a medical certificate issued under the authority of a EU Member State competent authority, those medical certificates remain valid and recognised in the EU until the end of their natural validity beyond 01 January 2021.

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

3.1 General considerations

Guidance on the following scenarios, due to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the Union:

- Students who already completed training, tests or examinations in the UK and intend to apply for a Malta Part-FCL 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 a Malta Part-FCL 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 Malta 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 Malta as explained in Chapter 2 of this Guidance.

3.2 Students who already completed training, tests or examinations in the UK and intend to apply for an EU 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 Malta Part-FCL pilot license, associated rating or certificate shall apply to Malta 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 EU Member States.

Nevertheless, the below always applies:

- 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 Malta or another EU 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 EU Member State to get an Malta Part-FCL licence, even when their theoretical examination is still within the validity period.

3.3 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 Malta 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 Malta.

As regards to ongoing training for the issue of a Commercial Pilot Licence (CPL) or an Airline Transport Pilot License (ATPL) the transfer shall 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 to ongoing training for other categories of certificates, where so provided in Commission Regulation (EU) No 1178/2011. In those cases where such possibility of transfer is not explicitly provided for in the existing rules, the following approach is recommended:

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Students shall apply to Malta for the assessment of the additional training required. The transfers to an ATO or DTO under the oversight of Malta shall be completed before 1 January 2021.

Once transferred to that ATO or DTO, the training course for the issue of the Malta Part-FCL 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. The following provisions apply:

- 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.

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

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 Member States of the UK theoretical knowledge examinations beyond 31 December 2020.

However, such theoretical knowledge examination certificates can continue to be relied upon in Malta after 31 December 2020 only if they constituted part of the pilot records formally transferred to Malta before 1 January 2021 in accordance with the principles of Chapter 2 of this guidance and they are within the relevant validity period.

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 Malta before 1 January 2021, as indicated in Chapter 2 of this guidance, the UK ATPL theoretical knowledge examination certificate transferred together with this file will continue to be accepted after 31 December 2020 for the issue of the ATPL (A) or (H) by Malta. In such case, following the transfer, the normal rules of Commission Regulation (EU) No 1178/2011 concerning the validity of ATPL theoretical knowledge examination shall apply.

TM-CAD may continue to accept theoretical knowledge examination completion certificates for the purpose of issuing Part-FCL licenses and ratings in accordance with either Regulation (EU) 1178/2011 or Delegated Regulation (EU) 2020/723, provided that those examination completion certificates are still within their validity period in accordance with FCL.025(c) in Annex 1 to Regulation (EU) 1178/2011 and provided that they were issued by the UK CAA before 1 January 2021 in full compliance with Annex 1 (Part-FCL) to Regulation (EU) 1178/2011.

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FCL.025 (c) states the following:

Validity period

- (1) The successful completion of the theoretical knowledge examinations will be valid:
 - (i) for the issue of a light aircraft pilot licence or a private pilot licence, for a period of 24 months;
 - (ii) for the issue of a commercial pilot licence, instrument rating (IR) or en route instrument rating (EIR), for a period of 36 months;
 - (iii) the periods in (i) and (ii) shall be counted from the day when the pilot successfully completes the theoretical knowledge examination, in accordance with (b)(2).
- (2) The completion of the airline transport pilot licence (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.

NB: As regards ATPL theoretical knowledge examination certificates issued before 1 January 2021 by the UK CAA, the validity dates of point FCL.025(c)(2), signifies the last validity date of a UK IR or, in case of helicopters, type rating, to be used as a starting point for calculating the above mentioned 7 year period, cannot in any case fall beyond 31 December 2020.

Nevertheless the examination must have been conducted in accordance with FCL.025(a)(1) in Annex 1 (Part-FCL) to Regulation (EU) 1178/2011, the entire set of theoretical knowledge examinations for a specific licence or rating must have been taken under the responsibility of the UK CAA (refer to section 3.2 above).

Tests, Assessments or Examinations

TMCAD may also accept other tests, assessments or examinations that were completed before 1 January 2021, provided:

- that proof of compliance is still valid for the issue of the relevant licence, rating, certificate, privilege or attestation, in accordance with the applicable requirements of Part-FCL (for example, points FCL.015(f) or FCL.025(c)); and
- the proof of compliance includes all records, as required by the applicable requirements of Part-FCL and satisfies TMCAD in terms of point ARA.GEN.315(b).

4.0 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. In case of applications for acceptance of pilot licences and associated medical certificates issued by the UK CAA after 1 January 2021 may be accepted in accordance with Annex 1 to the Convention on International Civil Aviation.

No further transitional arrangements for the UK are foreseen at this stage.

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

5.1 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.

The current AeMC certificates issued by UK CAA will no longer be valid for use towards EU initial and recurrent medical examinations.

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

The current FSTD qualification certificates issued by the UK CAA or any other EU Member State's authority for the below 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:

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

Personnel Licensing Section