

Title:	Opinion and Instruction Document Requirement for balloon and sailplane pilot licences to convert from national licence inconsistent with current strategy
Package Number	0123
Headline Purpose:	To extend the deadline for holders of national pilot licences for balloons and sailplanes to convert to Part-SFCL and Part-BFCL licences (as appropriate) pending the outcome of a Department for Transport review of the licensing regime.
Proposed action:	To amend Regulation (EU) No. 2018/1976 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2019 (" UK Reg (EU) No. 2018/1976 ") and Regulation (EU) No. 2018/395 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2019 (" UK Reg (EU) No. 2018/395 ") to defer the mandatory requirement to hold a Part-SFCL or Part-BFCL licence until 8 December 2023.

Objective

To support the Department for Transport's policy objective of conducting a review of current flight crew licensing and flying training, and removing extant conversion requirements in the meantime for General Aviation by extending the period for mandatory conversion to a Part-SFCL and Part-BFCL licence by a further two years. This period would run from the expiry of the existing CAA Exemption E5362 ([ORS4 No.1475](#)) until 8 December 2023.

Background

[UK Reg \(EU\) No. 2018/1976](#) sets out the requirements for Part-SFCL Sailplane Pilot Licences. [UK Reg \(EU\) No. 2018/395](#) sets out the requirements for Part-BFCL Balloon Pilot Licences.

Under Article 3b(3) of both Regulations, holders of national licences for balloons and sailplanes (including UK Private Pilot Licences (Balloon and Airship) ("PPL(BA)"), UK Commercial Pilots Licences (Balloon) ("CPL(B)") licences and British Gliding Association ("BGA") Certificates) must convert to a Part-SFCL or Part-BFCL licence (as applicable) by 8 April 2021. Due to the COVID-19 pandemic, the CAA extended that deadline to 8 December 2021 by publication of Exemption E5362 ([ORS4 No. 1475](#)).

Following consultation with General Aviation stakeholders, the Department for Transport intends to conduct a review of the licensing requirements for General Aviation. In the circumstances, the Department for Transport considers that it would be premature to require conversion to Part-SFCL or Part-BFCL licences for national licence-holders before that review has taken place. As there is no pressing safety issue which would necessitate such conversion, it is the CAA's opinion that the period for complying with Article 3(b)3 of both Regulations should be extended to 8 December 2023, for holders of national licences issued before 8th April 2020.

What legal powers are being used to achieve the change?

Article 23(1) of Regulation (EU) 2018/1139 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2019 ("[the UK Basic Regulation](#)").

Consequence of not making these legislative changes

The CAA estimates that there are in excess of 4000 BGA certificate holders and over 100 Balloon pilots who have yet to apply to convert their licences to Part-SFCL or Part-BFCL licences.

As set out above, the Department for Transport intends to conduct a review of the licensing requirements for General Aviation. As this detailed work has not yet been undertaken it is not clear whether the existing Part-SFCL and Part-BFCL frameworks will be retained in their current form. The Department for Transport therefore considers that it would be disproportionate and administratively burdensome to require conversion to this type of licence until the planned review is complete.

In the CAA's opinion the proposed amendments will reduce the regulatory burden on the ballooning and gliding communities by deferring the mandatory requirement to hold a SFCL or BFCL licence until the review has been carried out.

Affected Law (and, if applicable, UK AMC)

What is the existing UK legal framework which is relevant here?	UK Reg (EU) No. 2018/1976 (for Part-SFCL Sailplane Pilot Licences) and UK Reg (EU) No. 2018/395 (for Part-BFCL Balloon Pilot Licences).
Identify the law that the CAA proposes be changed	Article 3b(3) of UK Reg (EU) No. 2018/1976 and Article 3b(3) of UK Reg (EU) No. 2018/395
Are any consequential amendments needed to other pieces of law?	No
If the change proposed is to retained EU Implementing Rules made under the UK Basic Regulation is there any UK Acceptable means of compliance ("AMC"), Guidance Material ("GM") Certification Specification ("CS") that will be changed/newly adopted as a consequence if the law is changed as proposed?	No
Is this proposal related to changes the EU have made that are not retained EU law (e.g. EU law that was published but not in force and so did not come across under the terms of the Withdrawal Act), or EU law changes since End of Transition?	No
Is there an EU Notice of Proposed Amendment considering the same issue?	No
Does this proposal relate to an international treaty obligation (e.g. an ICAO SARP)?	No
Is a consultation required?	<p>The CAA conducted a consultation between 6 November 2020 and 18 December 2020 on the UK General Aviation opportunities after leaving the European Union and the oversight of the European Aviation Safety Agency ("EASA"). The CAA published the feedback on this consultation in CAP 2146.</p> <p>It is the CAA's opinion that no further consultation is required, as the proposed changes maintain the existing status quo until the outcome of the consultation, in the form of the review of licensing requirements, can be carried out.</p>

Is an Impact Assessment under the Better Regulation Framework necessary?	The proposed changes maintain and formalise the existing status quo until the outcome of the review process by the Department for Transport. As the proposal does not impose or alter any regulatory burden then an Impact Assessment is not required.
When is it intended that these provisions should be brought into force?	On the earliest possible date after the SI is made
Has an SI "slot" been agreed with the Department for Transport?	October 2021
Will there be any criminal offences?	No
If so, is a Justice Impact Test required?	No
What is the intended extent of the provision?	The UK
Are there any devolved issues?	No
Are any transitional provisions needed?	No

Suggested Changes to existing wording of Law

As set out above, the substance of the amendments detailed below have already been the subject of consultation. These proposals are therefore published for information purposes only. It should be noted that the amendments set out in this section constitute the CAA's initial opinion on possible amendments to the relevant legislation. While it is anticipated that any amendments ultimately enacted will broadly reflect the CAA's proposals, all amendments to legislation are subject to an iterative legislation drafting process by Government lawyers. The proposals set out below may therefore not be the final wording in the UK law.

Article 3(b)(3) of [UK Reg \(EU\) No. 2018/1976](#) should be amended to substitute "8 December 2023" for "8 April 2021"

Article 3(b)(3) of [UK Reg \(EU\) No. 2018/395](#) should be amended to substitute "8 December 2023" for "8 April 2021"