

Title:	Opinion and Instruction Document Removal of unnecessary transitional measures relating to Basic Instrument Rating
Package Number	0120A
Headline Purpose:	To remove transitional measures relating to the Basic Instrument Rating as the CAA does not intend to introduce the Basic Instrument Rating at this time and such transitional measures are therefore unnecessary.
Proposed action:	Amend Article 4c of Commission Regulation (EU) No. 1178/2011 of 3 November 2011 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 (" UK Reg (EU) No. 1178/2011 ") to remove the provisions of Article 4c ("Transitional measures for holders of an en route instrument rating").

Objective

To remove Article 4c from [UK Reg \(EU\) No. 1178/2011](#) as it relates to the introduction of the Basic Instrument Rating ("BIR") which the CAA does not intend to implement at this time, and the Article causes a distraction to General Aviation pilots.

Background

It was EASA's intention to introduce a Basic Instrument Rating (BIR) as a new rating valid throughout Europe for private pilots. The BIR was intended to introduce a qualification for private pilots to fly in accordance with Instrument Flight Rules (IFR), but with lower requirements than those which apply to the existing Instrument Rating. Article 4c of [UK Reg \(EU\) No. 1178/2011](#) contains transitional measures intended to govern the transition from the existing en route instrument rating ("EIR") to a BIR. Commission Implementing Regulation (EU) No. 2020/2193 of 16 December 2020 (which was not carried over into UK law upon EU Exit) introduced the BIR itself into European law.

It is the CAA's opinion that the introduction of a BIR within the UK requires further consideration, and the CAA currently has no plans to propose the introduction of such a rating at this time. However, the transitional provisions of Article 4c of UK Reg (EU) No. 1178/2011 remain part of UK law. In circumstances where there is no current intention to introduce the BIR within the UK, Article 4c should be removed entirely from UK Reg 1178/2011 to avoid causing confusion.

What legal powers are being used to achieve the change?

Articles 23 and 27 of Regulation (EU) 2018/1139 as retained (and amended in UK domestic law) under the European Union (Withdrawal) Act 2018 ("[the UK Basic Regulation](#)").

Consequence of not making these legislative changes

Article 4c of [UK Reg \(EU\) No. 1178/2011](#) is unnecessary in light of the CAA's decision not to propose implementation of a BIR. If this Article remains in force in UK law, it is likely to lead to confusion as to the applicable regulatory requirements.

Affected Law (and, if applicable, UK AMC)

What is the existing UK legal framework which is relevant here?	UK Reg (EU) No. 1178/2011
Identify the law that the CAA proposes be changed	Amend UK Reg (EU) No. 1178/2011 to remove Article 4c.

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) or Certification Specification (CS) that will be changed/newly adopted as a consequence?	No
Is this proposal related to changes the EU have made that are not retained EU law (e.g. EU law that was in force but 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?	A Notice of Proposed Amendment (“NPA”) 2020-02 in relation to the introduction of the BIR was issued by EASA. However, it is the CAA’s view that the possible introduction of the BIR requires further consideration and should not be introduced at this time.
Does this proposal relate to an international treaty or obligation (e.g. an ICAO SARP)?	No.
Is a consultation required?	No. This is an administrative change intended simply to remove unnecessary legislative provisions and improve clarity.
Is an Impact Assessment under the Better Regulation Framework necessary?	No. This is an administrative change intended simply to remove unnecessary legislative provisions and improve clarity.
When is it intended that these provisions should be brought into force?	The earliest possible date after the Statutory Instrument enters into force.
Has an SI “slot” been agreed with the Department for Transport?	May 2022
Will there be any criminal offences?	No This is an administrative change intended simply to remove unnecessary legislative provisions and improve clarity.
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? If so, what are they?	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 4c of [UK Reg \(EU\) No. 1178/2011](#) should be removed in its entirety as the CAA has no plans to propose the introduction of a BIR at this time, and therefore no transitional arrangements to implement that rating as set out in Article 4c are required.