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## AERONAUTICAL NOTICE

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**Exemption from the requirement of Article 8(1) of Commission Regulation (EU) No. 1178/2011 (as amended) for holders of Third Country Pilot Licences Exercising Private Pilot Privileges to comply with the Validation or Conversion Requirements of Annex III to that Regulation**

The Irish Aviation Authority, in pursuance of Article 14(4) of Commission Regulation (EU) No. 216/2008, hereby exempts pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation of aircraft as specified in Article 4(1)(b) or (c) of that Regulation, from the requirements of Article 8(1) and Annex III, Section A, paragraph 5 of Regulation (EU) No. 1178/2011, subject to the following;

1. Pilots availing of this exemption shall be subject to the conditions of Article 5(10) of the Irish Aviation Authority (Personnel Licensing) Order, 2000 (S.I. No. 333/2000).

This exemption is effective from 8 April 2017 until the date of adoption of the extension of the opt-out to 8 April 2019 in Article 12(4) of Regulation (EU) No 1178/2011, as amended, unless otherwise cancelled.

**Chief Executive,  
Irish Aviation Authority**

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## EXPLANATORY NOTE

(This note is not part of the Direction and does not purport to be a legal interpretation).

This exemption allows a pilot holding a licence and associated medical issued by a third country, and involved in the non-commercial operation of aircraft as specified in Article 4(1)(b) or (c) of Commission Regulation (EC) No 216/2008, to continue to operate in non-commercial operations on said aircraft and with the said licence and associated medical from 8 April 2017, without having to convert, or have validated, their third country pilot licence and/or certificates in accordance with Annex III of Regulation (EU) No. 1178/2011 (as amended).

Mainly against the background of the negotiations between the EU and the US on the extension of the Bilateral Air Safety Agreement (BASA) to the area of Flight Crew Licensing (FCL) and in order to bridge the gap until the entry into force of this agreement, the opt-out provision in Article 12(4) of Regulation (EU) No 1178/2011 had been put in place, with a validity period ending on 8 April 2017, allowing pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation of aircraft as specified in Article 4(1)(b) or (c) of Regulation (EC) No 216/2008 to continue to exercise their privileges until the BASA will be in force.

As the opt-out period foreseen in Article 12(4) of Regulation 1178/2011 (as amended) ends on 8 April 2017 and the foreseen BASA is still not in force, an extension of the opt-out period in Art. 12(4) until 8 April 2019 is in the process of being adopted. The respective amendment will not be adopted by, or soon after, 8 April 2017.

Pilots benefiting from the opt-out would, as of 8 April 2017, no longer be able to fly without having a Part-FCL licence and Part-MED medical, or a validation of their third country pilot licence.

Member States have been informed by EASA, in consultation with the Commission, of the possibility to notify an exemption based on Article 14(4) of the Basic Regulation in order to address this exceptional operational need for limited duration brought about by the above-mentioned situation.

Without the necessary BASA being in force, the delay in the adoption of the amendment to Article 12(4) of Regulation (EU) No 1178/2011 would 'ground' all third country licence holders involved in non-commercial operation for some weeks or months, until the amendment of Article 12(4) enters into force. In order to allow these pilots to continue their private operation of aircraft, an exemption shall be granted for the period between 8 April 2017 and the entry-into-force of the amended said Article 12(4). Whilst this Aeronautical Notice was initially valid for 2 months and extended at issue 2 until August 2017, it has been re-issued at issue 3, to extend the up to the date of adoption of the extension of the opt-out to 8 April 2019 in Article 12(4) of Regulation (EU) No 1178/2011, as amended, unless otherwise cancelled.

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