

**CIVIL AVIATION DIRECTORATE**

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**Article 12(4) of Commission Regulation (EU) No. 1178/2011, with regards to pilots holding a third country licence and medical certificate operating non-commercial flights of aircraft specified in Article 2(1)(b), points (i) or (ii), of Regulation (EU) 2018/1139, until 20 June 2022.**

As per Article 12 (4) of Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew, a number of Member States including Malta decided not to apply the provisions of this Regulation to pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation of aircraft specified in Article 4(1)(b) or (c) of Regulation (EC) No 216/2008 until 8 April 2014.

Commission Regulation (EU) No 245/2014 of 13 March 2014 amending Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew made it possible for Member States to extend the period of this derogation to 8 April 2015.

Commission Regulation (EU) No 2015/445 of 17 March 2015 amending Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew made it possible for Member States to extend the period of this derogation to 8 April 2016.

Commission Regulation (EU) No 2016/539 of 6 April 2016 amending Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew made it possible for Member States to extend the period of this derogation to 8 April 2017.

Malta will use an exemption until 08 April 2019 as provided in Article 14(4) of Regulation (EC) No. 216/2008, in accordance with this Notice.

Commission Regulation (EU) No 2018/1974 of 14 December 2018 amending Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew made it possible for Member States to extend the period of this derogation to 20 June 2020 through Commission Regulation (EU) 1178/2011 Article 12(7).

Commission Regulation (EU) No 2020/359 of 4 March 2020 amending Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew made it possible for Member States to extend the period of this derogation to 20 June 2021.

**Commission Regulation (EU) No 2020/2193 of 16 December 2020 amending Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew made it possible for Member States to extend the period of this derogation to 20 June 2022.**

It is to be noted that the derogation applied by Malta applies to aircraft that:

**1) Are specified in Article 2(1)(b), points (i) or (ii), of Regulation (EU) 2018/1139; and**

Article 2(1)(b) (i) applies to aircraft registered in a Member State, unless and to the extent that the Member State has transferred its responsibilities pursuant to the Chicago Convention to a third country and the aircraft is operated by a third country aircraft operator

Article 2(1)(b) (ii) applies to aircraft registered in a third country and operated by an aircraft operator established, residing or with a principal place of business in the territory to which the Treaties apply

**2) undertake non-commercial operations**

**Pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation of aircraft specified in Article 2(1)(b), points (i) or (ii) of Regulation (EU) 2018/1139 have to ensure that they comply with the requirements of the State over which they overfly, land or take-off.**

**Malta Air Navigation Order requirements**

In accordance with Article 18 of the Malta Air Navigation Order except for **non-commercial Day VFR operations** a person may not act as a pilot of an aircraft registered in Malta unless he holds a Part-FCL licence or a certificate of validation issued in accordance with the requirements of the Aircrew Regulation, if the flight is one of the following:

- Public transport flight
- Aerial work flight
- Any flight for which the pilot receives remuneration for his services as a pilot
- Flights where the aircraft is flying in circumstances requiring compliance with Instrument Flight Rules
- Night flight
- Instructional flight
- Flights where the pilot holds a licence which does not satisfy in full the relevant international standards

In such cases the pilot would need to hold a Part-FCL licence or certificate of validation issued by Transport Malta Civil Aviation Directorate.