Article 71(1) of Regulation (EU) 2018/1139

 Exemption notification form

*This template reflects the information needed to notify a flexibility provision which duration or cumulative duration (when it is a repetitive measure) is up to 8 months.*

*Providing the information in English will assist in processing the Agency recommendation in a timely manner, increase transparency and facilitate further enquiry.*

|  |  |
| --- | --- |
| EASA reference | Will be given by FlexTool once registered |

*Fields marked with \* are compulsory.*

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| **Notifying State** |
| \* Member State or Associated State [[1]](#endnote-1) |  |
| \* Reference of the notification from the State[[2]](#endnote-2) | XXX |
| \* Contact Details of the competent authority (CA) [[3]](#endnote-3) |  |
| \* Date of the notification [[4]](#endnote-4) | Given by FlexTool |
| **Exemption** |
| \* Title [[5]](#endnote-5) | **Covid19 – outbreak: Extension of validity periods for licences, ratings, endorsements, certificates and attestations of aircrew, instructors, examiners, aircraft maintenance licence holders and air traffic controllers.** |
| \* Domain [[6]](#endnote-6) | ACW / OPS / ATCO / CAW |
| \* Repetitive exemption? [[7]](#endnote-7) | A) NO [x] (duration should be up to 8 months):Valid from \*2020/03/XX to \*2020/11/XXB) YES [ ] a) Valid from \*………. to \*……….b) List of previous exemption(s):1. State reference:
2. EASA reference:
3. Valid from \*………. to \*……….
 |
| \* Exempted requirements [[8]](#endnote-8) | **Regulation (EU) No 1178/2011**, particularly:- points FCL.055, FCL.625, FCL.740, FCL.940 and FCl.1025 of Annex I (Part-FCL)- points MED.A.045, MED.C.030 and MED.D.030 of Annex IV (Part-MED)**Regulation (EU) No 965/2012**, particularly:- points ORO.GEN.110, ORO.FC.130, ORO.FC.230, ORO.FC.330, ORO.FC.A.245, ORO.CC.140 and ORO.TC.135 of Annex III (Part-ORO)- point SPA.DG.105 of Annex V (Part-SPA)**Regulation (EU) 2015/340**, particularly:- points ATCO.B.020, ATCO.B.035, ATCO.C.020, ATCO.C.040 and ATCO.C.060 of Annex I (Part-ATCO)- points ATCO.MED.A.045 and ATCO.MED.C.025 of Annex IV (Part-ATCO.MED) **Regulation (EU) 1321/2014**, particularly point 66.A.40 of Annex III (Part-66) |
| \* Summary of the exemption [[9]](#endnote-9) | Subject to fulfilling the applicable mitigating conditions as specified in this Exemption (see field “Summary of mitigations”), with regard to licences, ratings, endorsements, certificates and attestations issued by [CA], including associated medical certificates and reports, all of the following shall apply:**(a) Licences, ratings, certificates and attestations issued in accordance with Annex I (Part-FCL), Annex IV (Part-MED) and Annex V (Part-CC) to Regulation (EU) No 1178/2011**The validity period of all of the following is extended as follows:(1) by 4 months or until the end of the application of this Exemption, whichever is the shorter period of time, in the case of:(i) class ratings, type ratings and instrument ratings endorsed in Part-FCL commercial pilot licences (CPL, MPL, ATPL) for operating aircraft representing those classes and types within an organisation for which Annex III (Part-ORO) to Regulation (EU) No 965/2012 is applicable;(ii) Part-MED Class 1 medical certificates of holders of the ratings and certificates specified in point (i) above;(2) until the end of the application of this Exemption, in the case of:(i) Part-FCL instructor and examiner certificates the holders of which are involved in training and checking of holders of the class and type ratings specified in point 1(i) above;(ii) language proficiency endorsements as per point FCL.055 of Part-FCL;(iii) privileges of Part-MED aeromedical examiner certificates related to Class 1 medical certificates;(iv) medical reports of cabin crew as per point MED.C.030 of Part-MED. If, towards the end of the period specified in point (1), the competent authority considers that the reasons for granting this Exemption still apply, the validity period of the rating or certificate may be further extended for another period of up to 4 months or the end of the application of this Exemption, whichever date comes first. **(b) Training and checking in accordance with Annex III (Part-ORO) to Regulation (EU) No 965/2012**The validity period of all of the following is extended by 4 months or until the end of the application of this Exemption, whichever is the shorter period of time:(1) operator proficiency checks (OPC) in accordance with points ORO.FC.230(b) and ORO.FC.330 of Part-ORO;(2) operator line-oriented evaluation in accordance with point ORO.FC.A.245(d) of Part-ORO, if applicable;(3) operator emergency and safety equipment training and checking in accordance with point ORO.FC.230(d) of Part-ORO;(4) operator ground and flight training in accordance with point ORO.FC.230(f) of Part-ORO;(5) operator cabin crew recurrent training and checking in accordance with point ORO.CC.140 of Part-ORO;(6) operator technical crew recurrent training in accordance with point ORO.TC.135 of Part-ORO;(7) operator line checks (LC) in accordance with point ORO.FC.230(c) of Part-ORO;(8) operator dangerous goods recurrent training in accordance with point ORO.GEN.110(j) of Part-ORO and, when applicable, point SPA.DG.105(a) of Part-SPA;(9) operator crew resource management recurrent training in accordance with point ORO.FC.230(e)(1) and (e)(2) of Part-ORO;(10) operator recurrent training and checking in accordance with point ORO.FC.130 of Part-ORO.If, towards the end of the period specified in the introductory sentence of this point (b), the competent authority considers that the reasons for granting the Exemption still apply, the validity period of relevant training and checking may be further extended for a period of up to 4 months or by the end of the application of this Exemption, whichever date comes first. **(c) Licences, endorsements and certificates issued in accordance with Annex I (Part-ATCO) and Annex IV (Part-ATCO.MED) to Regulation (EU) 2015/340**The validity period of all of the following is extended as follows:(1) by 4 months or until the end of the application of this Exemption, whichever is the shorter period of time, in the case of:(i) ATCO unit endorsements as per point ATCO.B.020 of Part-ATCO;(ii) Part-ATCO Class 3 medical certificates as per point ATCO.MED.A045 of Part-ATCO.MED; (ii) ATCO language proficiency endorsements as per point ATCO.B.035 of Part-ATCO.(2) until the end of the application of this Exemption, in the case of:(i) practical instructor endorsements (OJTI and STDI) as per points ATCO.C.020, ATCO.C.040 of Part-ATCO;(ii) assessor endorsements as per point ATCO.C.060 of Part-ATCO;(iii) privileges of Part-ATCO.MED aeromedical examiner certificates related to Class 3 medical certificates.If, towards the end of the period specified in point (1), the competent authority considers that the reasons for granting this Exemption still apply, the validity period of the endorsement or the certificate may be further extended for a period of up to 4 months or the end of the application of this Exemption, whichever date comes first.**(d) Aircraft maintenance licences issued in accordance with Annex III (Part-66) to Regulation (EU) No 1321/2014**The validity period of aircraft maintenance licences is extended by 4 months or until the end of the application of this Exemption, whichever is the shorter period of time. If, towards the end of that period, the competent authority considers that the reasons for granting the Exemption still apply, the validity period of the licence may be further extended for a period of up to 4 months or by the end of the application of this Exemption, whichever date comes first. |
| \* Reasons for granting it [[10]](#endnote-10)(select as applicable) | [x]  Unforeseeable circumstancesThe COVID-19 outbreak has resulted in drastic travel restrictions and closure of borders between a majority of States. * Holders of Part-FCL commercial pilot licences who are required both to perform their licence proficiency check (LPC) to revalidate the validity period of their type and instrument ratings and to comply with the applicable operator recurrent training and checking requirements (OPC) in order to continue to exercise their privileges on behalf of their operator are not able to timely reach or gain access to flight simulation training devices (FSTD) to complete the necessary training and checking. Additionally, these pilots are not able to timely get access to an examination for maintaining their language proficiency. This would result in expiry of their ratings and the language proficiency endorsement.
* Holders of Part-FCL instructor and examiner certificates who are required to perform an assessment of competence to revalidate their instructor or examiner privileges in order to continue to exercise their training and checking privileges on behalf of their operator are not able to timely reach or gain access to FSTD to complete the necessary assessment of competence. This would result in expiry of said certificate.
* Holders of Part-MED Class 1 medical certificates who are required to undergo a recurrent medical examination to revalidate their Class 1 medical to continue to exercise their licence or certificate privileges on behalf of their operator are not able to timely reach or gain access to an aeromedical examiner (AME) or aeromedical centre (AeMC) to complete the necessary medical examination. In addition, in many cases medical examiners have been reassigned to support the COVID-19 outbreak in their State. This would result in expiry of said certificates.
* Holders of cabin crew attestations issued in accordance with Annex V (Part-CC) to Regulation (EU) 1178/2011 who are required to undergo a recurrent training, in accordance with the applicable requirements of Part-ORO, are not able to timely reach or gain access to training facilities.
* Holders of a cabin crew medical report as per Annex IV (Part-MED) to Regualtion 1178/2011 who are required to undergo a recurrent aero-medical assessment, in accordance with the applicable requirements of Part-MED, are not able to undergo aero-medical assessment.
* Holders of air traffic controller licences as per Regulation (EU) 2015/340 experience difficulties in both the use of synthetic training devices (STDs) to complete their scheduled recurrent training / assessment activities and the access to examination for maintaining their language proficiency.
* Holders of air traffic controller licences and associated on-the-job-training instructor and practical instructor endorsements who are required to complete refresher training in order to continue to exercise their training and assessment privileges are not able to complete their scheduled refresher training activities.
* Holders of Class 3 medical certificates issued in accordance with Annex IV (Part-ATCO.MED) to Regulation (EU) 2015/340 who are required to undergo a recurrent medical examination to revalidate their Class 3 medical certificate to continue to exercise their licence privileges on behalf of their air navigation service provider (ANSP) are not able to timely reach or gain access to an AME or AeMC to complete the necessary medical examintion. In addition, in many cases medical examiners have been reassigned to support the COVID-19 outbreak in their State. This would result in expiry of said certificates.
* Holders of aeromedical examiner certificates as per (Part-MED) to Regulation 1178/2011 and Annex IV (Part-ATCO.MED) who are required to perform medical examinations of the applicants for a Class 1 or Class 3 medical certificate in order to revalidate their relevant AME privileges are not able to timely reach or gain access to their competent authorities. This would result in expiry of said certificates.
* Holders of aircraft maintenance licences issued in accordance with Part-66 are not able to timely revalidate their licence.

[x]  Urgent operational needsAs a result of the extreme operational and resource constraints caused by the COVID-19 outbreak, it is needed to apply this exemption to holders of European licences, ratings, certificates and attestations as well as operators/ANSPs/maintenance organisations when the said circumstances are declared to the CA by either the holder (of the licence, rating, endorsement, certificate or attestation) or the operator/ANSP/maintenance organisation to ensure a certain level of business continuity for organisations for which Annex III (Part-ORO) to Regulation (EU) No 965/2012 or Annex I and Annex IV of Regulation (EU) No 2015/340 are applicable.  This Exemption aims to reduce the severity of the disruptions that would otherwise occur due to non-availability of a sufficient number of crew members as well as ATCOs and aircraft maintenance licence holders to operate on behalf of said organisations.   |
| \* Summary of Mitigating measures, if any [[11]](#endnote-11)  | **A) Safety:**(1) **Part-FCL licence holders** benefiting from this exemption shall comply with all of the following:(a) they shall hold a valid class or type rating;(b) they shall operate under the management system of an organisation for which Part-ORO is applicable; (c) they shall have received refresher training, followed by the completion of an assessment by means established by the operator to determine that the required level of knowledge to operate the applicable class or type is maintained. That assessment shall include class – or type – specific abnormal and emergency procedures. Upon successful completion of the refresher training and the assessment as per point (c), the new expiry date of the relevant rating and, if applicable, the language proficiency endorsement, shall be endorsed in the licence of the pilot, either by the CA or by an examiner nominated by the operator and acting in accordance with point FCL.1030, as applicable. (2) **Part-FCL instructors and examiners** certificate holders benefiting from this exemption shall hold a valid instructor and, if applicable, a valid examiner certificate. The new expiry date shall be indicated in one of the following methods:(a) it shall be endorsed in the licence of the pilot, either by the CA or a (senior) examiner nominated by the operator and acting in accordance with point FCL.1030, as applicable;(b) it shall be endorsed by the CA in an attachment to the instructor or examiner certificate.(3) **Part-MED Class 1 medical certificate holders and Part-ATCO.MED Class 3 medical certificate holders** benefitting from this exemption shall hold a valid Class 1 or Class 3 medical certificate without limitations, except visual ones. (4) **Part-MED cabin crew medical report holders** benefiting from this exemption shall hold a valid cabin crew medical report without limitations, except visual ones. (5) **Part-MED and Part-ATCO.MED aero-medical examiner certificate holders** benefiting from this exemption shall hold a valid aero-medical examiner certificate.(6) **Operators** benefiting from this exemption shall comply with all of the following:(a) The operator shall ensure that flight crew members benefiting from this exemption comply with the refresher training specified in point (1) above in all of the following cases:(i) operator proficiency checks (OPC) in accordance with point ORO.FC.230(b); (ii) line checks in accordance with point ORO.FC.230(c); (iii) line-oriented evaluation in accordance with point ORO.FC.A.245(d), if applicable.(b) In addition to point (a) above, the refresher training mentioned in point (1)(c) shall include any additional Part-SPA related elements, as applicable. (c) The operator shall ensure that crew members complete additional training through any means in all of the following cases:(i) operator emergency and safety equipment training and checking in accordance with ORO.FC.230(d);(ii) ground and flight training in accordance with point ORO.FC.230(f);(iii) OPC for commercial specialised operations and CAT operations referred to in point ORO.FC.005(B)(1) and (2), in accordance with point ORO.FC.330;(iv) cabin crew recurrent training and checking in accordance with point ORO.CC.140;(v) technical crew recurrent training in accordance with point ORO.TC.135.(vi) dangerous goods recurrent training in accordance with point ORO.GEN.110(j) and, when applicable, point SPA.DG.105(a);(vii) crew resource management recurrent training in accordance with point ORO.FC.230(e)(1) and (e)(2); (viii) operator recurrent training and checking in accordance with point ORO.FC.130 of Part-ORO.Note: The intent of “through any means” is that operators provide additional training to crew members in order to compensate for the extended validity of the different training elements of Part-ORO and Part-SPA, as applicable. This could be done for example via briefing/leaflet/bulletin/CBT/video.(7) In the case of **ATCO unit endorsements as well as instructor and assessor endorsements** in ATCO licences, the air naviation service provider (ANSP) should ensure that the potential unavailability of STDs is mitigated by other means, e.g. computer-based training or the rescheduling refresher training as soon as possible. (8) In the case of **ATCO language proficiency endorsements**, in the case of unavailability of an LABs, ANSPs should ensure that language training is ensured through other means, e.g. online courses.(9) **Part-66 aircraft maintenance licence holders** benefitting from this exemption shall only exercise the certification privileges associated with their licence when no action is pending pursuant to point 66.B.500 of Part-66.**B) Environment:**The circumstances and needs addressed by the exemption do not have an impact on environment.**C) Market distortion:**Due to the exceptional circumstances affecting all EU Member States, and given its limited duration, the exemption does not have a distorting effect on the market conditions.**E) Essential requirements:**Not applicable. |
| \* Type of operation [[12]](#endnote-12) | [x]  N/A[ ]  If applicable: |
| In case of non-approved change/repair [[13]](#endnote-13) | [ ]  EASA project number: ……Not applicable………………….[ ]  If no project number, indicate if change/repair, is:* Minor [ ]
* Major [ ]
 |
| **Concerned entity(ies)** |
| \* Organisation, operator, aerodrome or person whom the exemption is granted to [[14]](#endnote-14) | Holders of licences, ratings, certificates, endorsements and attestations issued by [CA] in accordance with the Regulations specified above in the field “Exempted requirements” |
| Product |  |
| Serial no. [[15]](#endnote-15)  |  |
| Registration [[16]](#endnote-16) |  |
| Attached documentation [[17]](#endnote-17) |   |

For instructions, please see details next page.

Instructions

1. State where the notification of exemption comes from. [↑](#endnote-ref-1)
2. Identification code given by the State to that measure. Every notification should relate to one exemption only. [↑](#endnote-ref-2)
3. Provide contact details (e-mail and phone) of the CA official in charge of this exemption in the case where additional information would be required by the Agency. [↑](#endnote-ref-3)
4. Date of submission of exemption’s notification. [↑](#endnote-ref-4)
5. Briefly describe the issue the exemption addresses. [↑](#endnote-ref-5)
6. Only one domain per notification:

IAW – Initial Airworthiness

CAW – Continuing Airworthiness – Maintenance

OPS – Air Operations

ACW – Aircrew

MED – Medical

ATM – Air traffic Management – Air Navigation Systems

ADR – Aerodromes

If the flexibility measure is related to several domains, encode only the main one but mention the other(s) in the field “Summary of the exemption”. [↑](#endnote-ref-6)
7. Please encode dates with the format YYYY-MM-DD. [↑](#endnote-ref-7)
8. Refer to Implementing Act or Delegated Act, specifying the point, paragraph, alinea, etc… [↑](#endnote-ref-8)
9. The description of the exemption should allow the Agency to provide a recommendation and demonstrate compliance with essential requirements.

*Note: In the case where the change/repair is handled by an approved Design Organisation, brief description of the change/repair shall allow the experts to evaluate the technical status of the change/repair and to assess if the exemption complies with the general safety objectives of the Basic Regulation*. [↑](#endnote-ref-9)
10. Please describe the unforeseeable circumstance or the urgent operational need or both. [↑](#endnote-ref-10)
11. Please indicate the mitigation measures taken, if any, for ensuring:

• Safety, environmental protection;

• Market distortion;

• Essential requirements. [↑](#endnote-ref-11)
12. If the information is relevant to the exemption, indicate the category of operations (e.g. Commercial Air Transport, private). [↑](#endnote-ref-12)
13. Please indicate classification (Minor / Major) of the change/repair. [↑](#endnote-ref-13)
14. Name of the organisation, operator or person whom the exemption is granted to. In case of aerodrome it must then also be entered the ICAO location indicator. [↑](#endnote-ref-14)
15. Refer to the serial number of the aircraft concerned by the exemption. [↑](#endnote-ref-15)
16. Refer to the registration of the aircraft concerned by the exemption. [↑](#endnote-ref-16)
17. Please list all attached documents, e.g.:

Notification granted by the CA (compulsory)

Rough translation into English from other relevant documents

Etc… [↑](#endnote-ref-17)