



# **Guidelines for handling exemptions to flight crew recent experience requirements in the field of commercial air transport operations**

**in accordance with**

**point ORO.FC.100 of Annex III (Part-ORO) to Reg. (EU) No 965/2012  
and point FCL.060 of Annex I (Part-FCL) to Reg. (EU) No 1178/2011  
under Article 71(1) of Regulation (EU) 2018/1139  
(the Basic Regulation)**

**Guidelines in relation to the COVID-19 pandemic**

**Issue no.:** 3  
(valid until further notice)

**Date:** 09.07.2020

## Table of contents

<i>Revision record</i> .....	3
<i>Change Revision Summary</i> .....	3
<i>Guidelines for handling the exemptions</i> .....	4
1. Purpose of these guidelines .....	4
1.1 Introduction .....	4
1.2 Changes of Revision 3 .....	4
2. Scope of exemptions .....	5
3. Risk assessment .....	5
4. General assumptions .....	6
4.1 Crew competency .....	6
4.2 Crew composition.....	6
5. Specific guidelines (Focus areas for the competent authorities) .....	7
6. Table .....	8
7. Information.....	9
8. Other applicability .....	9
<i>Annex – Examples</i> .....	10
A.1 Example of a progressive change of the recency status (pairing options) .....	10
A.2 Example of a process for granting ORO.FC.100 & FCL.060 exemptions.....	11
A.3 Graphic representation of example.....	13

## Revision record

Issue	Date of issue	Summary of changes
01	22 April 2020	Initial issue
02	22 April 2020	Editorial corrections (typos)
03	09 July 2020	Changes limited to clarifications on the use of the exemptions table.

## Change Revision Summary

Paragraph no.	Description of change
1.2	Changes of Revision 3, new text added
2.2	Note inviting MS to use the OPS domain when notifying recency exemptions
5.3	Definition of 'Not recent' status, simplified
6	Case#1 withdrawn
A1	A step-by-step guidance added
A3	New annex for graphic representation of one more example, added

## Guidelines for handling the exemptions

### 1. Purpose of these guidelines

#### 1.1 Introduction

The purpose of this document is to provide guidelines to be considered by national competent authorities (NCAs) when granting exemptions from pilot's recent experience requirements under Article 71(1) of Regulation (EU) 2018/1139<sup>1</sup> (the Basic Regulation, hereinafter: the BR) during the current COVID-19 outbreak.

Based on these guidelines, NCAs may grant exemptions to individual operators of aeroplanes in multi-pilot operations in commercial air transport (CAT) to allow the assignment of flight duties to flight crew members (pilots) who are not in compliance with the required recent experience as per point FCL.060 of Annex I (Part-FCL) to Regulation (EU) No 1178/2011<sup>2</sup>.

The cessation or significant reductions of continuous commercial air transport operations as well as the inaccessibility of FSTDs, both as a result of the lockdown and the travel restrictions following the COVID-19 outbreak, are leading to a large number of pilots not meeting the 90-day recency requirement.

The guidelines proposed in this document provide mitigation measures that cater for a variety of scenarios to enable NCAs to grant exemptions to operators whose pilots are not able to meet the recent experience requirements.

#### 1.2 Changes of Revision 3

When providing feedback on this document, representatives from Member States and industry requested clarifications on the use of the table in Section 6. For these reasons, EASA decided to do all of the following:

- (a) develop a step-by-step guidance to complement the example in Annex A1;
- (b) withdraw case # 1 of the table in Section 6 ('within-90-days' case) for simplicity, as it was identified to have no added value;
- (c) simplify the definition of 'not recent' in point 5.3(a);
- (d) add a graphic representation of one more example as a new Annex 3.

<sup>1</sup> Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

<sup>2</sup> Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 311, 25.11.2011, p. 1)

## 2. Scope of exemptions

**2.1.** The requirements from which exemptions are granted are the following:

- (a) Regulation (EU) No 965/2012<sup>3</sup>, particularly point ORO.FC.100(c);
- (b) Regulation (EU) No 1178/2011, particularly point FCL.060.

While requirements of both Regulation (EU) No 1178/2011 (aircrew) and Regulation (EU) No 965/2012 (air operations) are affected, the scenarios for possible exemptions including associated mitigation measures, as presented in this guidance document, are designed to fully focus on organisations involved in CAT operations only, as explained in point 1 above.

Hence, NCAs should grant such exemptions only to CAT operators on an individual basis, provided that the CAT operator has established mitigation measures that consider the content and the relevant cases of the Table in Section 6 of this document.

An exemption granted by one Member State to an operator under its oversight should be applied to all pilots who work for that operator, including pilots whose licences were issued by another Member State. On the contrary, no exemption should be granted directly to individual pilots.

**2.2.** When applying Article 71(1) of the BR, the NCAs should specify all of the following:

- (a) the period of the exemption which, while referring to the duration of the COVID-19 outbreak in the Member State, should in any case not exceed 8 months;
- (b) the particular provisions of points (b) and (c) of point FCL.060 of Part-FCL from which exemptions are being granted.

*Note: In the context of Chapter 2.1 above, when fulfilling the notification obligation via FlexTool (EASA website), NCAs are invited to enter "OPS" in the "domain" field of the notification form.*

**2.3.** The exemption should allow operators to temporarily assign flight crew member tasks to pilots who are not meeting all recent experience requirements, as necessary. The exemptions can be granted through one or a combination of both of the following:

- (a) a reduction of the number of required take-offs, approaches and landings specified in point FCL.060; or
- (b) an extension of the applicable time period specified in point FCL.060.

## 3. Risk assessment

**3.1.** Regarding an exemption from point FCL.060, one single strategy is not suitable for all CAT operators. For this reason, a standard EASA template exemption as per Article 71(1) of the BR is not deemed feasible. NCAs are expected to limit the applicability of the exemption to operators that have demonstrated both the need for such an exemption and the setup of adequate mitigation measures.

<sup>3</sup> Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council (OJ L 296, 25.10.2012, p.1.)

- 3.2.** The operator should develop a risk assessment that should include at least all of the following tasks:
- (a) determine the probability and potential severity of the crew competency deterioration related to the extended absence from flying duties;
  - (b) provide appropriate mitigation measures to reduce the risks identified as far as possible;
  - (c) consider the cumulative effective of other relevant exemptions/alleviations and the operator's overall performance (e.g. maturity of the management system, training standards, etc.).
- 3.3.** The NCA should evaluate this risk assessment before issuing the exemption.

## **4. General assumptions**

### **4.1 Crew competency**

- (a) Among several skills and competences, flight crew members must maintain all of the following:
  - (1) ability to perform normal, abnormal and emergency procedures;
  - (2) manual flying skills.
- (b) In case of point (a)(i) above, the relevant competence is ensured either by the normal operator or licence proficiency check for 6 months or, as a temporary mitigation measure, by the refresher training and the assessment for extended class or type rating validity, as described in the EASA COVID-19 Art 71(1) template 1 of 19.03.2020.
- (c) In case of point (a)(ii) above, the flying skills/techniques are retained by operating at the flight controls during take-offs, approaches and landings either in an aeroplane or in a flight simulation training device (FSTD) qualified in accordance with an applicable primary reference document (PRD), such as CS-FSTD(A) or JAR-STD(A). In this context, the most suitable FSTD is the full flight simulator (FFS) having the highest level of fidelity for achieving the take-off, approach and landing training objectives. Exceptionally, the NCA may also accept:
  - (1) FFS qualified by a third country having similar FSTD technical specification as the European PRDs;
  - (2) FSTDs other than FFS having at least: type-specific flight deck layout and structure, flight model, ground reaction and handling characteristics, and flight controls and forces, as appropriate; provided negative transfer of training is avoided.

### **4.2 Crew composition**

The crew composition should be also be taken into consideration as follows:

- (a) Extensions could be longer when one flight crew member is either holding a TRI or TRE certificate or is nominated as a line supervisor. It should be noted that line supervisors are more exposed to operations with inexperienced pilots (on the type) on the aeroplane, compared to TRIs or TREs who spend most of their time in FSTDs.

- (b) Exemptions could be issued when flight crew members are meeting some but not all of the recency requirements. In these cases, the operator should establish appropriate mitigation measures.
- (c) **NCA's should not grant exemptions if both flight crew members have not carried out any flight in the preceding 90 days.**

## 5. Specific guidelines (Focus areas for the competent authorities)

5.1. NCA's should assess both the individual pilot's recency and their combination in the multi-crew operation environment.

5.2. The guidelines of the table in Section 6 of this document include examples of mitigation measures which should be considered as sufficient justification for the proposed exemptions.

5.3. Definitions for the table in Section 6 of this document:

- (a) **Not recent:** Pilot not complying with the conditions of "Recent" and "Partially recent" below.
- (b) **Partially recent:** The pilot has carried out, as pilot flying, at least:
  - (i) 2 take-offs, approaches and landings in the preceding 90 days, or
  - (ii) 1 take-off, approach and landing in the last 30 days.
- (c) **Recent:** The pilot fully complies with point FCL.060.
- (d) **Restricted operations:** One or more operational restrictions valid for the complete flight crew to reduce their exposure to demanding situations. For example: reducing maximum crosswind limits, introducing higher approach minima, restricting runway surface conditions, dispatching with a functioning autoland system (if installed) or any other measure deemed appropriate.
- (e) **Line supervisor:** A flight crew member specifically nominated and trained for the task of the commander in line flights under supervision (LIFUS) in the context of points ORO.FC.220 and ORO.FC.230<sup>4</sup> – usually referred to as 'LTC'.
- (f) **TRI:** Type Rating Instructor with privileges to conduct line flying under supervision or landing training.
- (g) **Colour code:**
  - (i) **Yellow:** extension of the recency time periods specified in point FCL.060.
  - (ii) **Red:** Deviation from point FCL.060.
  - (iii) **Green:** Mitigation measures.
  - (iv) **Grey:** Compliance with point FCL.060.
  - (v) **White:** Compliance with recency time periods specified in point FCL.060.

<sup>4</sup> In Annex III (Part-ORO) to Regulation (EU) 965/2012

## 6. Table

Point FCL.060 of Part-FCL	90d	120d	150d	180d	
(b)(1) (3 take-offs, approaches and landings within preceding 90 days)	<b>Case # 1</b>				
	<b>WITHDRAWN</b>				
	Pilot 1 RECENT & commander of the flight Pilot 2 <b>PARTIALLY RECENT</b> <span style="float: right;"><b>case # 2</b></span> Mitigation measures: <ul style="list-style-type: none"> <li>- The commander shall perform first take-off, approach and landing</li> <li>- Restricted operation or 3 take-offs, approaches and landings in an FSTD having at least type-specific flight deck layout and structure, flight model, ground reaction and handling characteristics, and flight controls and forces.</li> </ul>				
(b)(2)(ii) (PIC at night with IR rating)	As per validity of the extended IR rating <span style="float: right;"><b>case # 3</b></span> Note: No extension is recommended from point (b)(2)(i) of point FCL.060				
(b)(3)(ii) (at least 3 sectors as cruise relief co-pilot)	Relief Pilot: NOT RECENT <span style="float: right;"><b>case # 4</b></span> Mitigation measures: <ul style="list-style-type: none"> <li>- At least 1 sector as a cruise relief pilot on the same type or class of aircraft if the other operating flight crew has the recency and he/she is not inexperienced as per AMC1 ORO.FC.200(a)(a)</li> </ul>				
(c)(1) CAT: Extension of the 90-day period to the max. 120 days when flying under the supervision of a TRI or TRE	Pilot 1 NOT RECENT Pilot 2 RECENT & TRI				
	Pilot 1 NOT RECENT Pilot 2 RECENT & TRI <span style="float: right;"><b>case # 5</b></span> Note: Case already foreseen in EASA Template 2 Mitigation measures: <ul style="list-style-type: none"> <li>- Restricted operation</li> </ul>				
	Pilot 1 <b>PARTIALLY RECENT</b> Pilot 2 <b>PARTIALLY RECENT</b> & TRI or RECENT LTC <span style="float: right;"><b>case # 6</b></span>				
	Pilot 1 NOT RECENT Pilot 2 <b>PARTIALLY RECENT</b> & TRI or RECENT LTC <span style="float: right;"><b>case # 7</b></span> Mitigation measures: <ul style="list-style-type: none"> <li>- Restricted operation</li> </ul>				



## **7. Information**

For the purpose of notification of exemptions, NCAs are expected to notify EASA of the granted exemptions through EASA FlexTool, as time permits.

## **8. Other applicability**

For flights not falling under the scope of the BR, the NCA may use these Guidelines with the necessary adaptations.

## Annex – Examples

### A.1 Example of a progressive change of the recency status (pairing options)

#### Step by step process

Step 1: Define the pilot's **recency status** (recent / partially recent / not recent) based on the date from which the pilot's recency is calculated in accordance to existing rules (the earliest date among the last 3 take-off/approach/landing dates); hereinafter referred to as '**Reference date**'.

Step 2: Define the table (A or B) which is applicable for the pilot's recency status (**not recent or partially recent**).

Step 3: Calculate the **days elapsed since the Reference date**.

Step 4: Define the applicable column based on the days elapsed (max 180 days).

Step 5: Define the crew composition based on the required competencies of the other pilot as shown on the related column.

*Notes: The pilot's recency status may be updated after each flight; however the time elapsed since the reference date is the factor which defines the alleviation period and the mitigating measures.*

*The maximum alleviation period is 180 days from the Reference date.*

*Pilots should re-gain their recency prior to flying beyond the applicable alleviated period.*

Table A		
NOT RECENT pilot <sup>1</sup> paired with...		
Up to 120 days	Up to 150 days	Up to 180 days
Recent LTC <b>C#7</b>	Recent TRI <b>C#5</b>	Recent TRI <b>C#5</b>
Partially recent TRI <b>C#7</b>		
Recent TRI <b>FCL.060</b>		

<sup>1</sup> Pilot = crew member acting as pilot but not as TRI.

Table B		
PARTIALLY RECENT pilot <sup>1</sup> paired with...		
Up to 120 days	Up to 150 days	Up to 180 days
Commander with recency <b>C#2</b>	Recent LTC <b>C#6</b>	Recent TRI <b>C#5</b>
Recent LTC <b>C#6</b>	Partially recent TRI <b>C#6</b>	
Partially recent TRI <b>C#6</b>	Recent TRI <b>C#5</b>	
Recent TRI <b>FCL.060</b>		

<sup>1</sup> Pilot = crew member acting as pilot but not as TRI.

## A.2 Example of a process for granting ORO.FC.100 & FCL.060 exemptions

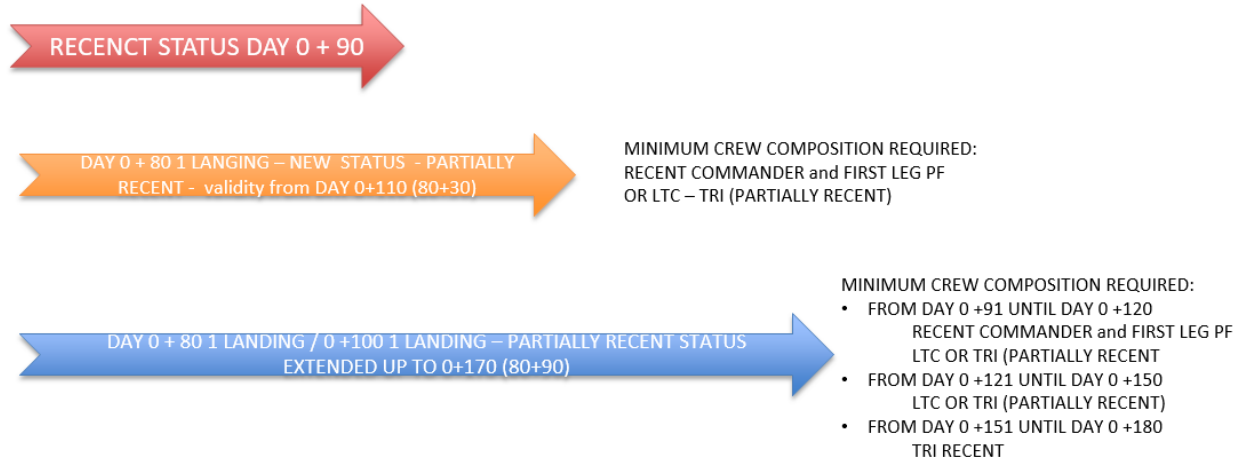
Phase #	Operator	NCA
1 Notification		Inform all operators of the possibility to grant temporary exemptions from point FCL.060 on a case-by-case basis to individual operators, only when the operator demonstrates that it has established mitigation measures in case of pilots who cannot meet the applicable requirements.
2 Risk management	Develop a risk assessment to determine the probability and potential severity of the crew competency deterioration due to extended absence from flying duties. Significant aspects, such as the ones below, should be addressed in the risk assessment and risk mitigation process: 1) cumulative effects of other relevant exemptions/alleviations; 2) crew composition (pairing pilots); 3) incapacitation of the most recent pilot.	
3 Submission of exemption request	Submit a request for exemptions providing appropriate mitigation measures for the various flight crew recency cases.	
4 Evaluation		<p>Evaluate the operator's risk assessment process.</p> <p>Ensure that the operator has a system in place to monitor the pilots' recency status.</p> <p>Assess the adequacy of the proposed mitigation measures and, if needed, ask for additional measures.</p> <p>Grant exemptions only when no other solutions are available (e.g. FSTD is not available).</p>

Phase #	Operator	NCA
5 Preparation	Notify flight crew members, rostering personnel and operations supervisors/dispatchers regarding the exemptions granted and the mitigation measures established (e.g. reduced crosswind limitations, etc.). The mitigation measures shall be implemented before each flight.	
6 Implementation	Plan and perform flights.	
	For the duration of application of this exemption, keep records of the flights where pilots subject to this exemptions were involved.	
	Update the pilot's recency status. Pilots are progressively gain their recency when flying as PF.	
7 Follow-up	Follow up of the risk assessment to evaluate the effectiveness of the mitigation measures.	
8 Oversight		Monitor the proper implementation of the granted exemption.

### A.3 Graphic representation of example

**TABLE 1 - PARTIALLY RECENT**

→ LAST QUALIFICABLE LANDING DAY 0.



**TABLE 2 - NOT RECENT**

→ LAST QUALIFICABLE LANDING DAY 0

