



## Exemptions and derogations

Article 14 of REGULATION (EC) No 216/2008 (hereinafter “Basic Regulation” or “BR”) contains a threefold flexibility provision, allowing Member States:

- to take immediate measures to address a safety problem (paragraph 1);
- to grant exemptions in the event of unforeseen urgent operational circumstances or an operational need of limited duration (paragraph 4);
- to grant derogations from the provisions laid down in the Implementing Rules to the Basic Regulation where an equivalent level of safety can be achieved (paragraph 6).

Depending on the type of measures taken, these shall be notified to EASA, the European Commission and the other Member States. In all cases the Agency is responsible to assess the notifications and provide the consequent Recommendation to the European Commission, which adopts the final Decision to ensure a high and uniform level of safety and the correct functioning of the Internal Market. The recommendations issued by the Agency are not binding, and only the decisions adopted by the European Commission have legal value.

The flexibility measures taken or proposed by Member States are evaluated not only in terms of the equivalency of their safety value, or of the safety value of the conditions attached to them, but also in terms of the reasons given to justify the need to derogate.

Exemptions and derogations:

## Article 14.1

Case No	Member State of proposal	Area of interest	Applicable to: e.g. Operator, A/C Type, ATOs etc.	Short description	Agency Recommendation	European Commission Decision
n/a	n/a	n/a	n/a	n/a	n/a	n/a

## Article 14.4

Case No	Member State of proposal	Area of interest	Applicable to: e.g. Operator, A/C Type, ATOs etc.	Short description	Agency Recommendation	European Commission Decision
n/a	n/a	n/a	n/a	n/a	n/a	n/a

## Article 14.6\*

Case No	Member State of proposal	Area of interest	Short description	Agency Recommendation	European Commission Decision	Other MS adopting this measure	Remarks
2012/ 114	UK	FCL	Regulation (EU) No 1178/2011 (Annex I – Part-FCL) FCL.905.SFI: Privileges and conditions of Synthetic Flight Instructors (SFIs)	<a href="#">Recommendation No UK-01-2013</a>	<a href="#">European Commission Decision 2014/69/EU</a>	Poland Bulgaria	Applicable until amendment of the relevant rule



2012/ 115-1	UK	FCL	Regulation (EU) No 1178/2011 (Annex I – Part-FCL) FCL.905.SFI: Privileges and conditions of Synthetic Flight Instructors (SFIs)	<a href="#">Recommendation No UK-02-2013</a>	<a href="#">European Commission Decision 2014/69/EU</a>	Poland Bulgaria	Applicable until amendment of the relevant rule
2012/ 115-2	UK	FCL	Regulation (EU) No 1178/2011 (Annex I – Part-FCL) FCL.1005.SFE(a)(2): Privileges and conditions of Synthetic Flight Examiners (SFEs)	<a href="#">Recommendation No UK-02-2013</a>	<a href="#">European Commission Decision 2014/69/EU</a>	Poland Bulgaria	Applicable until amendment of the relevant rule
2012/ 115-4	UK	FCL	Regulation (EU) No 1178/2011 (Annex I – Part-FCL) FCL.910.SFI(b): Extension of the Synthetic Flight Instructor (SFI) privileges	<a href="#">Recommendation No UK-02-2013</a>	<a href="#">European Commission Decision 2014/69/EU</a>	Poland Bulgaria	Applicable until amendment of the relevant rule
2013/ 25	UK	FCL	Regulation (EU) No 1178/2011 (Annex I – Part-FCL) FCL.625(c) and (d): Renewal on the basis of a Third Country Instrument Rating	<a href="#">Recommendation No UK-03-2013</a>	<a href="#">European Commission Decision 2014/69/EU</a>	Poland Bulgaria	Applicable until amendment of the relevant rule
2011/ 04	SE	AIRW	Part 21.A.174(b)3(ii): provisions regarding the issuance of certificates of airworthiness for imported aircraft	<a href="#">Recommendation No SE-01-2011</a>	<a href="#">European Commission Decision 2014/69/EU</a>		Applicable until amendment of the relevant rule

\* Art 14 (6) EASA Negative Recommendations and EC Decisions are published in this table starting from May 2014. Information relevant to previous Negative Recommendations and Decisions should be requested directly from the Member States.



## DISCLAIMER

The European Aviation Safety Agency ('EASA') maintains this information on measures taken or proposed by the Member States and notified to it by the competent authorities of the Member States ('CAs') for purely information purposes. The content may be subject to changes at any time without prior notice.

This material is:

- for Information purposes only. Consequently it should not be relied upon as an official statement, as any form of warranty, representation, undertaking, contractual, or other commitment binding in law upon EASA. If at any time there is a conflict or discrepancy between the information provided in this list and an official position of EASA or the Commission, the latter prevails;
- not necessarily comprehensive, complete, accurate or up to date. All information is provided here without warranty of any kind, whether express, implied, statutory or otherwise especially as to its quality, reliability, currency, accuracy or fitness for purpose;
- not professional advice, and should be not understood as any form of prior assessment, judgement or acceptance by EASA or the Commission.

Despite every effort to ensure the accuracy of the information provided, it may contain occasional inadvertent inaccuracies or typographical errors. Any error brought to the attention of [exemptions@easa.europa.eu](mailto:exemptions@easa.europa.eu) will be promptly corrected.

To the maximum extent permitted by law, EASA is not liable for any loss or damage arising from the use of this information. EASA shall not be liable for any kind of damages or other claims or demands incurred as a result of incorrect, insufficient or invalid data, or arising out of or in connection with the use, copying, or display of the content, to the extent permitted by European and National laws.

This disclaimer is not intended to limit the liability of EASA in contravention of any requirements laid down in applicable national law or to exclude its liability for matters which may not be excluded under that law.



A detailed description of the Article 14 process is provided:

