Article 14.4 of Regulation (EC) 216/2008

(Text with EEA relevance)

Exemption Notification form

*This template is recommended to be used for notification of exemptions against Implementing Rules to Regulation (EC) No 216/2008.*

*Once completed by the NAA, this template should be sent to EASA (*[exemptions@easa.europa.eu](mailto:exemptions@easa.europa.eu)*) as soon as possible in parallel / advance of the formal notification via the Permanent Representation, to EASA, Member States and the European Commission.*

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| --- | --- | --- |
| **Notifying State** | | |
| Member or Associated State [[1]](#endnote-1) | xx | |
| Reference of the notification from the State[[2]](#endnote-2) | xxxxxxc | |
| Date of the notification[[3]](#endnote-3) | DD/MM/YYYY | |
| **Exemption** | | |
| Title | **Covid19 – outbreak: Additional extension of the Airworthiness Review Certificate validity when the aircraft is under controlled environment. V1.** | |
| Exempted requirements[[4]](#endnote-4)  (select as applicable) | **Regulation (EU) 1321/2014**, particularly points  M.A.901(c)(2), M.A.901(e)(2) & M.A.901(f) of Annex I (Part-M) or ML.A.901 (c) of Annex Vb (Part-ML), as applicable. | |
| Reason for notification[[5]](#endnote-5) | Repetitive exemption or extension □  Exemption granted for more than 2 months X | |
| Organisation, operator, aerodrome or person whom the exemption is granted to[[6]](#endnote-6) | Organisations approved in accordance with Subpart G or Annex II (Part-M), Annex Vc (Part-CAMO) and Annex Vd (Part-CAO) of Regulation (EC) 1321/2014. | |
| Aircraft  type/model/variant[[7]](#endnote-7) |  | |
| Serial no.[[8]](#endnote-8) |  | |
| Registration[[9]](#endnote-9) |  | |
| Type of operation[[10]](#endnote-10) | N/A | |
| ICAO location indicator (when applicable) | N/A | |
| Exemption applicability date[[11]](#endnote-11) | Issuance date  xx/03/2020 | Expiry date  xx/11/2020 |
| Reference to previous similar exemptions, if any | date of the earlier exemption granted:  N/A  If applicable,  reference of former notification: | |
| Details of the exemption  (attach the exemption)[[12]](#endnote-12) | Subject to fulfilling the applicable mitigating conditions as specified in this Exemption (see field “Summary of mitigations”), all of the following shall apply:  Provided that the Airworthiness Review Certificate (ARC) has already been extended twice in accordance with M.A.901(c)(2), M.A.901(e)(2) or M.A.901(f) of Annex I (Part-M), or ML.A.901 (c) of Annex Vb (Part-ML), and it expires before **31 July 2020**, an additional extension of the validity period of the ARC by 6 months by the organization managing the continuing airworthiness of the aircraft is allowed.  If, towards the end of the 6-month period authorized under this exemption the urgent unforeseeable circumstances or operational needs persist, the CA may consider, upon request, granting to the organization managing the continuing airworthiness of the aircraft another exemption in accordance with Article 71(1) of Regulation (EU) 2018/1139 allowing for further exceptional extensions of the validity of the ARC.  This Exemption aims to reduce the severity of the disruptions that would otherwise occur due to non-availability of airworthiness review staff to perform the physical survey of the aircraft on behalf of the approved organization. | |
| Reasons for granting exemption[[13]](#endnote-13)  (select as applicable) | unforeseen urgent operational circumstances  Please detail:  The COVID-19 outbreak has resulted in drastic travel restrictions and closure of borders between a majority of States. This might impact the performance of the physical survey which is part of the airworthiness review. In accordance with Regulation (EU) 1321/2014 , the airworthiness review is mandatory when the ARC had been already extended twice. In such case lack of an airworthiness review would result in expiry of the ARC. | |
| operational needs of a limited duration  Please detail:  As a result of the of the extreme operational and resource constraints caused by the COVID-19 outbreak, it is needed to apply this exemption when the said circumstances are declared to the CA of the State of Registry by the organization that manages the continuing airworthiness of the aircraft (approved in accordance with Part-M Subpart G, Part-CAMO or Part-CAO ) to ensure a certain level of business continuity ( e.g. avoiding expiration of the ARC). | |
| In case of non approved change/repair:[[14]](#endnote-14) | If applicable, please refer to the EASA Project number: N/A  If no Project number, classification of the change/repair in accordance with Part 21:  Minor □ / Major □ | |
| Justifications of the maintained Level of Safety;  Mitigating measures, if any[[15]](#endnote-15) | **A) Safety:**   1. In order to benefit from the Exemption the organization managing the continuing airworthiness of the aircraft (CAMO/CAO) must ensure that the following mitigating measures are complied with when that organization grants the additional ARC extensions: 2. the conditions for an extension of the ARC in accordance with points (b) and (j) of M.A.901, or point (c) of ML.A.901, as applicable, are met; and 3. a full documented review in accordance with point (k) of M.A.901 or point (a) of ML.A.903, as applicable, has been satisfactorily conducted and documented by an appropriately approved organisation holding the privilege of performing airworthiness reviews. This organization can be the one managing the continuing airworthiness of the aircraft in respect of which the ARC is to be extended or by another organization if so requested by the organization managing the continuing airworthiness of the aircraft. 4. At the time of the expiration of the extension, the organization managing the continuing airworthiness of the aircraft (CAMO/CAO) must ensure that the airworthiness review staff (ARS) who will perform the airworthiness review has all the details of the previous documented review. The ARS may consider this information during the sample checks.   **B) Environment:**  The circumstances and needs addressed by the exemption do not have an impact on environment.  **C) Market impact:**  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. | |
| Additional observations[[16]](#endnote-16)  (if any) |  | |
| Contact Details of NAA[[17]](#endnote-17) | First name  Surname  E-mail  Phone | |
| Agency Use | | |
| Date received |  | |
| Date and reference of recommendation |  | |

This form should be used to provide the basic details regarding the exemptions to be notified as per Article 14(4) of Regulation (EC) 216/2008. Provision of the data request in English will assist in processing the Agency recommendation in a timely manner

For instructions, please see details next page.

Instructions

1. State where the notification of exemption comes from. [↑](#endnote-ref-1)
2. Reference of the notification letter from the Member State or associated State to the Commission, the Agency and the other Member States. [↑](#endnote-ref-2)
3. Date of issuance of notification letter as mentioned in block 2. [↑](#endnote-ref-3)
4. Refer to Regulation (EC) 216/2008 (hereafter referred to as “Basic Regulation”) and articles. Basically, reference shall be made to Basic Regulation Article 14(4). Specific reference to Implementing Rules can be given in addition (example: Part 21, Part M … with the applicable paragraph corresponding to the NAA remit). [↑](#endnote-ref-4)
5. According to Basic Regulation Article 14(4) , the exemption shall be notified only in those two cases:

   If the exemption is repetitive.

   In this case, and if the former exemption was already notified to the Commission (or to EFTA Surveillance Authority, if applicable), to the Member States and to the Agency: provide the reference of the corresponding notification.

   If the exemption is granted for more than 2 months. [↑](#endnote-ref-5)
6. Name of the organisation, operator,aerodrome or person whom the exemption is granted to. [↑](#endnote-ref-6)
7. Refer to the aircraft type/model/variant concerned by the exemption. [↑](#endnote-ref-7)
8. Refer to the registration concerned by the exemption. [↑](#endnote-ref-8)
9. Refer to the serial number concerned by the exemption. [↑](#endnote-ref-9)
10. If the information is relevant to the exemption, indicate the category of operations (e.g. Commercial Air Transport, private). [↑](#endnote-ref-10)
11. Date of the issuance and date of expiry of the exemption. [↑](#endnote-ref-11)
12. The description of the exemption should allow the Agency’s experts to provide a technical recommendation.

    In the case of a non approved change or repair, the title of the change/repair and the reason of non‑approval shall be given. Classification of the change/repair shall also be indicated in block 12.

    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-12)
13. As per Basic Regulation Article 14(4), the exemption shall be granted only in the event of unforeseen urgent operational circumstances or operational needs of a limited duration. The corresponding case needs to be ticked and a short justification provided. [↑](#endnote-ref-13)
14. In the case where the change/repair is handled by the Agency, the Project number allocated by the Agency after receipt of the application for approval shall be provided so that the Agency’s experts can identify the files. [↑](#endnote-ref-14)
15. Describe how it is ensured that the level of safety is not adversely affected and what mitigating measures are put in place, if any [↑](#endnote-ref-15)
16. Any additional information that can help the Agency to provide a recommendation to the Commission can be added there. [↑](#endnote-ref-16)
17. Provide contact details (e-mail and phone) of the NAA official in charge of this exemption in the case where additional information would be required by the Agency. [↑](#endnote-ref-17)