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.*

|  |
| --- |
| **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: Additional extension of the Airworthiness Review Certificate validity when the aircraft is under controlled environment. V1.** |
| \* Domain [[6]](#endnote-6) | CAW – Continuing Airworthiness |
| \* 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) 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. |
| \* Summary of the exemption [[9]](#endnote-9) | 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 it [[10]](#endnote-10)(as applicable) | [x]  Unforeseeable circumstancesThe COVID-19 outbreak has resulted in drastic travel restrictions and closure of borders between a majority of States. This might impact the possibility to perform the physical survey of an aircraft 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.[x]  Urgent operational needsAs 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). |
| \* Summary of Mitigating measures, if any [[11]](#endnote-11)  | **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 distorsion:**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) | Organisations approved in accordance with Subpart G of Annex II (Part-M), Annex Vc (Part-CAMO) and Annex Vd (Part-CAO) of Regulation (EC) 1321/2014. |
| 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)