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*) 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: Deferral of full implementation of new licensing requirements for balloon pilots.** |
| Domain | BALL |
| Exempted requirements[[4]](#endnote-4)(select as applicable) | **[Scenario 1 – MS which applied national rules on the basis of Article 12(2a) of Regulation (EU) No 1178/2011 to balloon pilots before 8 April 2020]**- Articles 3a, 3c and 3d of Regulation (EU) 2018/395, as amended by Regulation (EU) 2020/357 (hereinafter “the Balloon Regulation”) **[Scenario 2 – MS which applied Annex I (Part-FCL) to Regulation (EU) No 1178/2011 to balloon pilots before 8 April 2020]**- Articles 3a, 3b and 3c of Regulation (EU) 2018/395, as amended by Regulation (EU) 2020/357 (hereinafter “the Balloon Regulation”)- Appendix I of Annex VI (Part-ARA) to Regulation (EU) 1178/2011 as applicable as from 8 April 2020 |
| 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) | Holders of balloon pilot licences as well as training organisations for these licences. |
| Aircrafttype/model/variant[[7]](#endnote-7) | N/A |
| Serial no.[[8]](#endnote-8)  |  |
| Registration[[9]](#endnote-9) |  |
| Type of operation[[10]](#endnote-10) | NCO |
| ICAO location indicator (when applicable) | N/A |
| Exemption applicability date[[11]](#endnote-11)  | Issuance date: \*2020/04/08  | Expiry date: 2020/12/07 |
| Reference to previous similar exemptions, if any | date of the earlier exemption granted:N/AIf applicable,reference of former notification: |
| Details of the exemption(attach the exemption)[[12]](#endnote-12) | **[Scenario 1: MS which applied national rules on the basis of Article 12(2a) of Regulation (EU) No 1178/2011 to balloon pilots before 8 April 2020]**[MS] will defer from the requirements of the Balloon Regulation as follows:(a) By way of derogation from Article 3a and Article 3c(2) of the Balloon Regulation, applicants for Part-BFCL balloon pilot licences whose training commenced prior to **8 December 2020** in accordance with Annex 1 to the Chicago Convention are permitted to have that training credited on the basis of a credit report as specified in Article 3c(3) of the Balloon Regulation. These credit reports will include conditions for granting credits for theoretical knowledge examinations and practical skill tests that were completed before **8 December 2020** in accordance with Annex 1 to the Chicago Convention.(b) By way of derogation from Article 3a and Article 3d of the Balloon Regulation, training organisations which before the issuance of this exemption were providing training in accordance with Annex 1 to the Chicago Convention are allowed to continue to provide that training for the purposes as specified in point (a) above. **[Scenario 2: MS which applied Annex I (Part-FCL) to Regulation (EU) No 1178/2011 to balloon pilots before 8 April 2020]**[MS] will defer from the requirements of the Balloon Regulation and Regulation (EU) No 1178/2011 as follows:(a) Until **7 December 2020**, applicants for balloon pilot licences are entitled to be issued with a licence in accordance with Appendix I to Annex VI (Part-ARA) to Regulation (EU) No 1178/2011, as in force before 8 April 2020 (Part-FCL licence).(b) By way of derogation from Article 3a and Article 3b(1) of the Balloon Regulation, Part-FCL balloon pilot licences issued before **8 December 2020** will be deemed to have been issued in accordance with the requirements of the Balloon Regulation. (c) By way of derogation from Article 3a and Article 3c(1) of the Balloon Regulation, applicants for a Part-BFCL balloon pilot licence whose training, in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011, commenced prior to **8 December 2020** are permitted to have that training credited in full, provided that the BPL is issued by **8 December 2021** at the latest. (d) For Part-FCL balloon pilot licences issued in accordance with points (a) or (b) above, paragraph 1 and 2 of Article 3b of the Balloon Regulation apply accordingly. |
| Reasons for granting exemption[[13]](#endnote-13)(select as applicable) | [x]  Urgent unforeseeable circumstancesThe COVID-19 outbreak has resulted in drastic travel restrictions and closure of borders between a majority of States. The competent authority needs to use its resources in order to administer the numerour impacts of this situation on the aviation system and therefore, for the time being, does not have the capability to timely implement Part-BFCL. [x]  Urgent operational needsA modified application of the transitional provisions related to Part-BFCL, particularly of extended transitional time periods, allows the competent authority to concentrate its resources for handling the COVID-19 outbreak and to focus on the full implementation of Part-BFCL at a later stage.  |
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| In case of non approved change/repair:[[14]](#endnote-14) | If applicable, please refer to the EASA Project number: N/AIf 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)  | Since current comprehensive licensing requirements fully remain in place during the exemption period, no additional mitigation measures are deemed necessary. |
| 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)