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: Deferral of full implementation of new licensing requirements for balloon pilots.** |
| \* Domain [[6]](#endnote-6) | Balloons  *FlexTool: BALL / Regulation (EU) 2018/395 / BFCL* |
| \* Repetitive exemption? [[7]](#endnote-7) | A) NO  (duration should be up to 8 months):  Valid from \*2020/04/08 to \*2020/12/07  B) 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) | **[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 |
| \* Summary of the exemption [[9]](#endnote-9) | **[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 it [[10]](#endnote-10)  (as applicable) | Urgent unforeseeable circumstances  The 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.  Urgent operational needs  A 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. |
| \* Summary of Mitigating measures, if any [[11]](#endnote-11) | Since current comprehensive licensing requirements fully remain in place during the exemption period, no additional mitigation measures are deemed necessary. |
| \* Type of operation [[12]](#endnote-12) | N/A  If applicable:  NCO |
| 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) | Holders of balloon pilot licences as well as training organisations for these licences. |
| 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)