

European Aviation Safety Agency EASA

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Decision on granting exemptions under Article 71(1) of Regulation (EU) No 2018/1139

With reference to the exemptions notified by our letter dated 23 March 2020, the Finnish Transport and Communications Agency (Traficom) has decided to supplement that decision with the following additional exemptions based on Article 71(1) of Regulation (EU) 2018/1139 regarding certain requirements of Regulation (EU) 1178/2011.

Exempted requirements

Regulation (EU) No 1178/2011, particularly:
- points FCL.055, FCL.625, FCL.740, FCL.940 and FCL.1025 of Annex I (Part-FCL).

Summary of exemptions

Subject to fulfilling the applicable mitigating conditions as specified in this Exemption (see "Mitigating measures"), with regard to licences, ratings, endorsements and certificates issued by Finnish Transport and Communications Agency, all of the following shall apply:

(a) Licences, ratings, endorsements and certificates issued in accordance with Annex I (Part-FCL) to Regulation (EU) No 1178/2011

The validity period of all of the following is extended as follows:

(1) by 4 months, or until the end of the application of this Exemption, whichever is the shorter period of time, in the case of:

(i) expired class ratings, type ratings and instrument ratings endorsed in Part-FCL commercial pilot licences (CPL, MPL, ATPL) for operating aircraft representing those classes and types within an organisation for which Annex III (Part-ORO) to Regulation (EU) No 965/2012 is applicable;

(2) until the end of the application of this Exemption, in the case of:

(i) the holders of expired Part-FCL instructor and examiner certificates which are involved in training and checking of holders of the class and type ratings specified in point 1(i) above;

(ii) expired language proficiency endorsements as per point FCL.055 of Part-FCL;

If, towards the end of period specified in point (1), the competent authority considers that the reasons for granting this Exemption still apply, the validity period of the rating or certificate may be further extended for another period of up to 4 months or the end of the application of this Exemption, whichever date comes first.

Justification

The COVID-19 outbreak has resulted in drastic travel restrictions and closure of borders between a majority of States.

- Holders of Part-FCL commercial pilot licences who are required both to perform their licence proficiency check (LPC) to revalidate the validity period of their type and instrument ratings in order to continue to exercise their privileges on behalf of their operator are not able to timely reach or gain access to flight simulation training devices (FSTD) to complete the necessary training and checking. Additionally, these pilots are not able to timely get access to an examination for maintaining their language proficiency. This has resulted expiry of their ratings and the language proficiency endorsement. Due to the COVID-19 outbreak, it has been considered reasonable that the renewal of ratings and endorsements which have been expired only for a short period, can be done according to the same exemption procedure as that used for revalidation.

- Holders of Part-FCL instructor and examiner certificates who are required to perform an assessment of competence to revalidate their instructor or examiner privileges in order to continue to exercise their training and checking privileges on behalf of their operator are not able to timely reach or gain access to FSTD to complete the necessary assessment of competence. This has resulted expiry of said certificate. Due to the COVID-19 outbreak, it has been considered reasonable that the renewal of certificates which have been expired only for a short period, can be done according to the same exemption procedure as that used for revalidation.

As a result of the extreme operational and resource constraints caused by the COVID-19 outbreak, it is needed to apply this exemption to holders of European licences, ratings, endorsements and certificates when the said circumstances are declared to the CA by either the holder (of the licence, rating, endorsement or certificate) or the operator to ensure a certain level of business continuity for organisations for which Annex III (Part-ORO) to Regulation (EU) No 965/2012 are applicable. This Exemption aims to reduce the severity of the disruptions that would otherwise occur due to non-availability of a sufficient number of crew members to operate on behalf of said organisations.

Mitigating measures

A) Safety:

(1) Part-FCL licence holders benefiting from this exemption shall comply with all of the following:

(a) the relevant rating or endorsement has expired during the period of validity of this exemption, and has not been expired for a period exceeding one month, and the holder has not been able to take the necessary measures to extend the validity for the reasons listed in this exemption (see "Justification");

(b) they shall operate under the management system of an organisation for which Part-ORO is applicable;

(c) they shall have received refresher training, followed by the completion of an assessment by means established by the operator to determine that the required level of knowledge to operate the applicable class or type is maintained. That assessment shall include class- or type – specific abnormal and emergency procedures.

Upon successful completion of the refresher training and the assessment as per point (c), the new expiry date of the relevant rating and, if applicable, the language proficiency endorsement, shall be endorsed in the licence of the pilot, either by the CA or by an examiner nominated by the operator and acting in accordance with point FCL.1030, as applicable.

(2) Part-FCL instructor and examiner certificate holders may benefit from this exemption if the relevant certificate has expired during the period of validity of this exemption and has not been expired for a period exceeding one month, and the holder has not been able to take the necessary measures to extend the validity for the reasons listed in this exemption (see "Justification"). The new expiry date shall be indicated in one of the following methods:

(a) it shall be endorsed in the licence of the pilot, either by the CA or an examiner nominated by the operator and acting in accordance with point FCL.1030, as applicable;

(b) it shall be endorsed by the CA in an attachment to the instructor or examiner certificate.

B) Environment:

The circumstances and needs addressed by the exemption do not have an impact on environment.

C) Market distortion:

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.

D) Essential requirements:

Not applicable.

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