

European Aviation Safety Agency EASA

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Ref

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

The Finnish Transport and Communications Agency (Traficom) has decided to grant exemptions based on Article 71(1) of Regulation (EU) 2018/1139 regarding certain requirements of Regulation (EU) No 1178/2011, Regulation (EU) No 965/2012, Regulation (EU) 2015/340 and Regulation (EU) 1321/2014 by its decision of 18 March 2020 (TRAFICOM/118512/05.00.28.00/2020). However, amendments to this decision have been found necessary. Therefore the decision of 18 March will be replaced by this new decision.

The exemptions in this new decision are valid from 23 March 2020 until 23 November 2020.

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);
- points MED.A.045, MED.C.030 and MED.D.030 of Annex IV (Part-MED).

Regulation (EU) No 965/2012, particularly:

- points ORO.GEN.110, ORO.FC.130, ORO.FC.230, ORO.FC.330, ORO.FC.A.245, ORO.CC.140 and ORO.TC.135 of Annex III (Part-ORO)
- point SPA.DG.105 of Annex V (Part-SPA)

Regulation (EU) 2015/340, particularly:

- points ATCO.B.020, ATCO.B.025, ATCO.B.035, ATCO.C.020, ATCO.C.040, ATCO.C.060, ATCO.D.005 (2), ATCO.D.055 and ATCO.D.060 of Annex I (Part-ATCO);
- points ATCO.MED.A.045 and ATCO.MED.C.025 of Annex IV (Part-ATCO.MED).

Regulation (EU) 1321/2014, particularly point 66.A.40 of Annex III (Part-66).

Summary of exemptions

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

(a) Licences, ratings, certificates and attestations issued in accordance with Annex I (Part-FCL), Annex IV (Part-MED) and Annex V (Part-CC) 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) 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;

(ii) Part-MED Class 1 medical certificates of holders of the ratings and certificates specified in point (i) above;

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

(i) the holders of 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) language proficiency endorsements as per point FCL.055 of Part-FCL;

(iii) privileges of Part-MED aeromedical examiner certificates related to Class 1 medical certificates;

(iv) medical reports of cabin crew as per point MED.C.030 of Part-MED.

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.

(b) Training and checking in accordance with Annex III (Part-ORO) to Regulation (EU) No 965/2012

The validity period of all of the following is extended by 4 months or until the end of the application of this Exemption, whichever is the shorter period of time:

(1) operator proficiency checks (OPC) in accordance with points ORO.FC.230(b) and ORO.FC.330 of Part-ORO;

(2) operator line-oriented evaluation in accordance with point ORO.FC.A.245(d) of Part-ORO, if applicable;

(3) operator emergency and safety equipment training and checking in accordance with point ORO.FC.230(d) of Part-ORO;

- (4) operator ground and flight training in accordance with point ORO.FC.230(f) of Part-ORO;
- (5) operator cabin crew recurrent training and checking in accordance with point ORO.CC.140 of Part-ORO;
- (6) operator technical crew recurrent training in accordance with point ORO.TC.135 of Part-ORO;
- (7) operator line checks (LC) in accordance with point ORO.FC.230(c) of Part-ORO;
- (8) operator dangerous goods recurrent training in accordance with point ORO.GEN.110(j) of Part-ORO and, when applicable, point SPA.DG.105(a) of Part-SPA;
- (9) operator crew resource management recurrent training in accordance with point ORO.FC.230(e)(1) and (e)(2) of Part-ORO;
- (10) operator recurrent training and checking in accordance with point ORO.FC.130 of Part-ORO.

The list above includes any applicable Part-SPA recurrent training and checking elements.

If, towards the end of the period specified in the introductory sentence of this point (b), the competent authority considers that the reasons for granting the Exemption still apply, the validity period of relevant training and checking may be further extended for a period of up to 4 months or by the end of the application of this Exemption, whichever date comes first.

(c) Licences, endorsements and certificates issued in accordance with Annex I (Part-ATCO) and Annex IV (Part-ATCO.MED) to Regulation (EU) 2015/340

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) ATCO unit endorsements as per point ATCO.B.020 of Part-ATCO;
 - (ii) Part-ATCO Class 3 medical certificates as per point ATCO.MED.A045 of Part-ATCO.MED;
 - (iii) ATCO language proficiency endorsements as per point ATCO.B.035 of Part-ATCO.
- (2) until the end of the application of this Exemption, in the case of:
 - (i) practical instructor endorsements (OJTI and STDI) as per points ATCO.C.020, ATCO.C.040 of Part-ATCO;
 - (ii) assessor endorsements as per point ATCO.C.060 of Part-ATCO;
 - (iii) privileges of Part-ATCO.MED aeromedical examiner certificates related to Class 3 medical certificates.

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

(d) Aircraft maintenance licences issued in accordance with Annex III (Part-66) to Regulation (EU) No 1321/2014

The validity period of aircraft maintenance licences is extended by 4 months or until the end of the application of this Exemption, whichever is the shorter period of time. If, towards the end of that period, the competent authority considers that the reasons for granting the Exemption still apply, the validity period of the licence may be further extended for a period of up to 4 months or by the end of the application of this Exemption, whichever date comes first.

e) Training and unit competence scheme in accordance with Annex I (Part-ATCO) to Regulation (EU) No 2015/340

The regular validity period or time limit of any of the following, as set out in the applicable training requirements, continuous validity requirements or unit competence requirements of Part-ATCO, is extended by 4 months:

- (1) the maximum continuous period when the privileges of a unit endorsement are not exercised during its validity, as set out in the approved unit competence scheme as per point ATCO.B.025 of Part-ATCO;
- (2) unit training, leading to the validation of rating(s) or rating endorsement(s) and/or the renewal of a unit endorsement;
- (3) any training in accordance with the unit training plan;
- (4) unit endorsement courses.

If, towards the end of the period specified in point (e), the competent authority considers that the reasons for granting the Exemption still apply, the validity period or time limit for the relevant training requirements, continuous validity requirements or unit competence requirements may be further extended for a period of up to 4 months or until 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 and to comply with the applicable operator recurrent training and checking requirements (OPC) 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 would result in expiry of their ratings and the language proficiency endorsement.

- 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 would result in expiry of said certificate.
- Holders of Part-MED Class 1 medical certificates who are required to undergo a recurrent medical examination to revalidate their Class 1 medical to continue to exercise their licence or certificate privileges on behalf of their operator are not able to timely reach or gain access to an aeromedical examiner (AME) or aeromedical centre (AeMC) to complete the necessary medical examination. In addition, in many cases medical examiners have been reassigned to support the COVID-19 outbreak in their State. This would result in expiry of said certificates.
- Holders of cabin crew attestations issued in accordance with Annex V (Part-CC) to Regulation (EU) 1178/2011 who are required to undergo a recurrent training, in accordance with the applicable requirements of Part-ORO, are not able to timely reach or gain access to training facilities.
- Holders of a cabin crew medical report as per Annex IV (Part-MED) to Regulation 1178/2011 who are required to undergo a recurrent aero-medical assessment, in accordance with the applicable requirements of Part-MED, are not able to undergo aero-medical assessment.
- Holders of air traffic controller licences as per Regulation (EU) 2015/340 experience difficulties in both the use of synthetic training devices (STDs) to complete their scheduled recurrent training / assessment activities and the access to examination for maintaining their language proficiency.
- Holders of air traffic controller licences and associated on-the-job-training instructor and practical instructor endorsements who are required to complete refresher training in order to continue to exercise their training and assessment privileges are not able to complete their scheduled refresher training activities.
- Holders of Class 3 medical certificates issued in accordance with Annex IV (Part-ATCO.MED) to Regulation (EU) 2015/340 who are required to undergo a recurrent medical examination to revalidate their Class 3 medical certificate to continue to exercise their licence privileges on behalf of their air navigation service provider (ANSP) are not able to timely reach or gain access to an AME or AeMC to complete the necessary medical examination. In addition, in many cases medical examiners have been reassigned to support the COVID-19 outbreak in their State. This would result in expiry of said certificates.
- Holders of aeromedical examiner certificates as per Annex IV (Part-MED) to Regulation 1178/2011 and Annex IV (Part-ATCO.MED) to Regulation (EU) 2015/340 who are required to perform medical examinations of the applicants for a Class 1 or Class 3 medical certificate in order to revalidate their relevant AME privileges are not able to timely reach or gain access to their competent authorities. This would result in expiry of said certificates.
- Holders of aircraft maintenance licences issued in accordance with Part-66 are not able to timely revalidate their licence.

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, certificates and attestations as well as operators/ANSPs/maintenance organisations when the said circumstances are declared to the CA by either the holder (of

the licence, rating, endorsement, certificate or attestation) or the operator/ANSP/maintenance organisation to ensure a certain level of business continuity for organisations for which Annex III (Part-ORO) to Regulation (EU) No 965/2012 or Annex I and Annex IV of Regulation (EU) No 2015/340 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 as well as ATCOs and aircraft maintenance licence holders 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) they shall hold a valid class or type rating;
- (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 instructors and examiners certificate holders benefiting from this exemption shall hold a valid instructor and, if applicable, a valid examiner certificate. 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.

(3) Part-MED Class 1 medical certificate holders and Part-ATCO.MED Class 3 medical certificate holders benefitting from this exemption shall hold a valid Class 1 or Class 3 medical certificate without limitations, except visual ones. They shall follow the procedure established by the Finnish Transport and Communications Agency for this exemption.

(4) Part-MED cabin crew medical report holders benefiting from this exemption shall hold a valid cabin crew medical report without limitations, except visual ones. They shall follow the procedure established by the Finnish Transport and Communications Agency for this exemption.

(5) Part-MED and Part-ATCO.MED aero-medical examiner certificate holders benefiting from this exemption shall hold a valid aero-medical examiner certificate. They shall follow the procedure established by the Finnish Transport and Communications Agency for this exemption.

(6) Operators benefiting from this exemption shall comply with all of the following:

(a) The operator shall ensure that flight crew members benefiting from this exemption comply with the refresher training specified in point (1) above in all of the following cases:

- (i) operator proficiency checks (OPC) in accordance with point ORO.FC.230(b);
- (ii) line checks in accordance with point ORO.FC.230(c);
- (iii) line-oriented evaluation in accordance with point ORO.FC.A.245(d), if applicable.

(b) In addition to point (a) above, the refresher training mentioned in point (1)(c) shall include any additional Part-SPA related elements, as applicable.

(c) The operator shall ensure that crew members complete additional training through any means in all of the following cases:

- (i) operator emergency and safety equipment training and checking in accordance with ORO.FC.230(d);
- (ii) ground and flight training in accordance with point ORO.FC.230(f);
- (iii) OPC for commercial specialised operations and CAT operations referred to in point ORO.FC.005(B)(1) and (2), in accordance with point ORO.FC.330;
- (iv) cabin crew recurrent training and checking in accordance with point ORO.CC.140;
- (v) technical crew recurrent training in accordance with point ORO.TC.135.
- (vi) dangerous goods recurrent training in accordance with point ORO.GEN.110(j) and, when applicable, point SPA.DG.105(a);
- (vii) crew resource management recurrent training in accordance with point ORO.FC.230(e)(1) and (e)(2);
- (viii) operator recurrent training and checking in accordance with point ORO.FC.130 of Part-ORO.

Note: The intent of "through any means" is that operators provide additional training to crew members in order to compensate for the extended validity of

the different training elements of Part-ORO and Part-SPA, as applicable. This could be done for example via briefing/leaflet/bulletin/CBT/video.

(7) In the case of ATCO unit endorsements as well as instructor and assessor endorsements in ATCO licences, the air navigation service provider (ANSP) should ensure that the potential unavailability of STDs is mitigated by other means, e.g. computer-based training or the rescheduling refresher training as soon as possible.

(8) In the case of ATCO language proficiency endorsements, in the case of unavailability of an LABs, ANSPs should ensure that language training is ensured through other means, e.g. online courses.

(9) Part-66 aircraft maintenance licence holders benefiting from this exemption shall only exercise the certification privileges associated with their licence when no action is pending pursuant to point 66.B.500 of Part-66.

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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