

Article 71(1) of Regulation (EU) 2018/1139

Exemption with duration (cumulative) up to 8 months Notification Form

Date of latest modification	2020-07-10
------------------------------------	------------

Notifying State									
Member or Associated State / National Authority	LU								
Reference of the notification from the State	2020-99306								
Contact Details of NAA	<table> <tr> <td>First name</td> <td>Mirjam</td> </tr> <tr> <td>Surname</td> <td>Huizer</td> </tr> <tr> <td>E-mail</td> <td>mirjam.huizer@av.etat.lu</td> </tr> <tr> <td>Phone</td> <td>+35224774996</td> </tr> </table>	First name	Mirjam	Surname	Huizer	E-mail	mirjam.huizer@av.etat.lu	Phone	+35224774996
First name	Mirjam								
Surname	Huizer								
E-mail	mirjam.huizer@av.etat.lu								
Phone	+35224774996								

Exemption		
Title	Covid19 – outbreak: Extension of validity periods for licences, ratings, endorsements, certificates and attestations of aircrew, instructors, examiners, and air traffic controllers.	
Domain	ACW - Aircrew	
Exemption Requirements	Related Regulation	Commission Regulation (EU) No 1178/2011
	Sub-part	Part-FCL - Flight Crew Licensing
	Exemption 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) 2015/340, particularly: - points ATCO.B.020, ATCO.B.035, ATCO.C.020, ATCO.C.040 and ATCO.C.060 of Annex I (Part-ATCO) - points ATCO.MED.A.045 and ATCO.MED.C.025 of Annex IV (Part-ATCO.MED)
Repetitive Exemption	Yes, duration cumulative up to 8 months	



Duration of exemption	2020-07-09 to 2020-11-18	
Previous Exemptions	<p>EASA Reference: 2020-96669</p> <p>MS reference: 711/20/0107</p> <p>Duration of exemption: 2020-03-18 to 2020-07-31</p>	
Summary of the exemption	<p>Subject to fulfilling the applicable mitigating conditions as specified in this Exemption (see field "Summary of mitigations"), with regard to licences, ratings, endorsements, certificates and attestations issued by and organisations under the oversight of the Direction de l'aviation civile all of the following shall apply:</p> <p>(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</p> <p>The validity period of all of the following is extended as follows:</p> <p>(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:</p> <p>(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;</p> <p>(2) until the end of the application of this Exemption, in the case of:</p> <p>(i) Part-FCL instructor and examiner certificates the holders of which are involved in training and checking of holders of the class and type ratings specified in point 1(i) above;</p> <p>(ii) language proficiency endorsements as per point FCL.055 of Part-FCL;</p> <p>(iii) privileges of Part-MED aeromedical examiner certificates related to Class 1 medical certificates;</p> <p>(iv) medical reports of cabin crew as per point MED.C.030 of Part-MED.</p> <p>(b) Licences, endorsements and certificates issued in accordance with Annex I (Part-ATCO) and Annex IV (Part-ATCO.MED) to Regulation (EU) 2015/340</p> <p>The validity period of all of the following is extended as follows:</p> <p>(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:</p> <p>(i) ATCO unit endorsements as per point ATCO.B.020 of Part-ATCO;</p> <p>(ii) Part-ATCO Class 3 medical certificates as per point ATCO.MED.A045 of Part-ATCO.MED;</p> <p>(ii) ATCO language proficiency endorsements as per point ATCO.B.035 of Part-ATCO.</p> <p>(2) until the end of the application of this Exemption, in the case of:</p> <p>(i) practical instructor endorsements (OJTI and STDI) as per points ATCO.C.020, ATCO.C.040 of Part-ATCO;</p> <p>(ii) assessor endorsements as per point ATCO.C.060 of Part-ATCO;</p> <p>(iii) privileges of Part-ATCO.MED aeromedical examiner certificates related to Class 3 medical certificates.</p>	
Reasons for granting it	Urgent operational needs	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 (Part-MED) to Regulation 1178/2011 and Annex IV (Part-ATCO.MED) 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.

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 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 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 licence holders to operate on behalf of said organisations.

Summary of mitigating measures

Safety, environmental protection

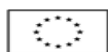
A) Safety:

(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. Part-FCL licence holders shall receive a full credit for this point if they complied with it already under the previous exemption as referred to in the Field “Repetitive exemption?”.



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 a (senior) 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.

(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.

(5) Part-MED and Part-ATCO.MED aero-medical examiner certificate holders benefiting from this exemption shall hold a valid aero-medical examiner certificate.

(6) 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. ANSPs shall receive a full credit for this point if they applied such mitigating measures already under the previous exemption as referred to in the Field "Repetitive exemption?".

(7) 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. ANSPs shall receive a full credit for this point if they applied such mitigating measures already under the previous exemption as referred to in the Field "Repetitive exemption?".



		<p>(8) When implementing training as per points (1)(c) or (6), operators or air navigation service providers shall, in accordance with the applicable requirements of Regulation (EU) No 965/2012 or Regulation (EU) 2015/340, seek approval for any temporary changes to training programmes from the competent authority without undue delay.</p> <p>B) Environment: The circumstances and needs addressed by the exemption do not have an impact on environment.</p>
	Market distortion	<p>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.</p>
Type of Operation	N/A	
Non-approved change/repair	N/A	

Concerned Entity(ies)	
Concerned entity	Organisation
Concerned entity details	Holders of licences, ratings, certificates, endorsements and attestations issued by the Direction de l'aviation civile in accordance with the Regulations specified above in the field "Exempted requirements"
Product	N/A

Attached Documentation	
MS Original Granting Document	 Exemption 1a of validity periods due to the COVID-19 outbreak 10JUL2020.pdf

