

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

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

Date of the Notification	2020-03-20
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Notifying State									
Member or Associated State / National Authority	LU								
Reference of the notification from the State	2020-96669								
Contact Details of NAA	<table> <tr> <td>First name</td> <td>Fränk</td> </tr> <tr> <td>Surname</td> <td>Kraus</td> </tr> <tr> <td>E-mail</td> <td>frank.kraus@av.etat.lu</td> </tr> <tr> <td>Phone</td> <td>0035224774911</td> </tr> </table>	First name	Fränk	Surname	Kraus	E-mail	frank.kraus@av.etat.lu	Phone	0035224774911
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Exemption		
Title	Covid19 – outbreak: Extension of validity periods for licences, ratings, certificates and attestations of aircrew, instructors, examiners, aircraft maintenance licence holders 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	<p>Regulation (EU) No 1178/2011, particularly:</p> <ul style="list-style-type: none"> - points 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); <p>Regulation (EU) No 965/2012, particularly points ORO.FC.230, ORO.FC.330, ORO.FC.A.245, ORO.CC.140 and ORO.TC.135 of Annex III (Part-ORO).</p> <p>Regulation (EU) 2015/340, particularly:</p> <ul style="list-style-type: none"> - points ATCO.B.020, ATCO.C.020, ATCO.C.040, ATCO.C.060 and ATCO.B.035 of Annex I (Part-ATCO) - point ATCO.MED.C.025 of Annex IV (Part-ATCO.MED) <p>Regulation (EU) 1321/2014, particularly point 66.A.40 of Annex III (Part-66)</p>
Repetitive Exemption	No, duration up to 8 months	
Duration of exemption	2020-03-18 to 2020-11-18	
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, certificates and attestations issued by the Direction de l'aviation civile, including associated medical certificates and reports, 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>Provided that the regular validity period of a rating or a certificate expires before 31 July 2020, that validity period is extended as follows:</p> <p>(1) by 4 months, in the case of:</p> <ul style="list-style-type: none"> (i) class ratings, type ratings and instrument ratings endorsed in Part-FCL commercial pilot licences (CPL, MPL, ATPL) for operating aeroplanes 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; <p>(2) until the end of the application of this Exemption, in the case of:</p> <ul style="list-style-type: none"> (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; (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. <p>If, towards the end of the 4-month 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 a period of up to 4 months or the end of the application of this Exemption, whichever comes first.</p>	



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

Provided that the regular validity period of training and checking, as set out in the applicable training and checking requirements of Part-ORO, expires before 31 July 2020, that validity period of all of the following is extended by 4 months:

- (1) operator proficiency checks (OPC) in accordance with points ORO.FC.230(b) and ORO.FC.330 of Part-ORO;
- (2) line-oriented evaluation in accordance with point ORO.FC.A.245(d), 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.

If, towards the end of the 4-month period specified in 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

Provided that the regular validity period of an endorsement or a certificate expires before 31 July, the validity period of all of the following is extended as follows:

- (1) by 4 months, in the case of:
 - (i) ATCO unit endorsements as per point ATCO.B.020 of Part-ATCO;
 - (ii) Instructor and assessor endorsements as per point ATCO.C.020, ATCO.C.040 and ATCO.C.060 of Part-ATCO
 - (iii) ATCO language proficiency endorsements as per point ATCO.B.035 of Part-ATCO
 - (iv) privileges of Part-ATCO.MED aeromedical examiner certificates related to Class 3 medical certificates.

If, towards the end of the 4-month 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.

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

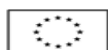
Provided that the regular validity period of the licence expires before 31 July 2020, that validity period is extended by 4 months. If, towards the end of that 4-month period, the competent authority considers that the reasons for granting the Exemption still apply, the validity period of the licence 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.



Reasons for granting it**Urgent
unforeseeable
circumstances**

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. This would result in expiry of their ratings.
- 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 and endorsements as per Regulation (EU) 2015/340 experience difficulties in accessing synthetic training devices (STDs) or refresher seminars to complete their scheduled recurrent training / assessment activities and the access to examination for maintaining their language proficiency. Traffic levels are declining and staffing levels are kept to a minimum to prevent unnecessary social contacts, therefore minimum operational hours as prescribed in the competence schemes may not be met.



		<ul style="list-style-type: none"> • Holders of aeromedical examiner certificates as per Annex IV (Part-ATCO.MED) who are required to perform medical examinations of the applicants for a 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, refresher trainings required to maintain an adequate level of knowledge are cancelled and sufficient oversight by the competent authority is impaired by travel restrictions. 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.
	Urgent operational needs	<p>As a result of the aforementioned unforeseen circumstances, it is needed to apply this exemption to said holders of European licences, ratings, certificates and attestations as well as operators/ANSPs/maintenance organisations/AMEs and training 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 organization/AME/training 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 flight and cabin crew members as well as ATCOs and aircraft maintenance licence holders to operate on behalf of said organisations.</p>
Summary of mitigating measures	Safety, environmental protection	<p>A) Safety:</p> <p>(1) Part-FCL licence holders benefiting from this exemption shall comply with all of the following:</p> <ul style="list-style-type: none"> (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 are maintained. That assessment shall include class- or type – specific abnormal and emergency procedures.. <p>Upon successful completion of the refresher training and the assessment as per point (c), either the CA or a type rating examiner (TRE) nominated by the operator shall endorse the licence, as appropriate, with the new expiry date.</p>



(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 CA or a (senior) TRE nominated by the operator shall endorse the certificate, as appropriate, with the new expiry date.

(3) Part-MED Class 1 medical certificate holders and Part-ATCO Class 3 medical certificate holders benefitting from this exemption shall hold a valid Class 1 or Class 3 medical certificate without restrictions, 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. This exemption is applicable until the end of the COVID-19 epidemic outbreak or 12 months after the expiry date of their current AME certificates whichever date is earlier.

(6) Part-ATCO.MED aero-medical examiner certificate holders should in addition to rescheduling refresher trainings, if necessary, closely monitor the COVID-19 epidemic outbreak and take due account of this information during medical examinations especially when recording the medical history.

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

(a) in the case of operator proficiency checks (OPC) in accordance with point ORO.FC.230(b) as well as line-oriented evaluation in accordance with point ORO.FC.A.245(d), if applicable, the operator shall ensure that flight crew benefitting from this exemption shall comply with point A)1) above and any additional Part-SPA related exercises, as applicable.

(b) In case of operator emergency and safety equipment training and checking in accordance with ORO.FC.230(d), ground and flight training in accordance with point ORO.FC.230(f), OPC for commercial SPO and CAT ORO.FC.005(B)(1) and (2) in accordance with point ORO.FC.330, cabin crew recurrent training and checking in accordance with point ORO.CC.140, technical crew recurrent training in accordance with point ORO.TC.135, the operator shall ensure flight crew members complete additional training through any means.

(8) In the case of ATCO unit endorsements in ATCO licences, the air navigation service provider (ANSP) should ensure that the interruption of competence training and assessments is rescheduled as soon as possible.



		<p>(9) In the case of Instructor and Assessor endorsements the training organisations should ensure that refresher trainings are rescheduled as soon as possible.</p> <p>(10) In the case of ATCO language proficiency endorsements, ANSPs should ensure that expiring endorsements of operational level (4) are given priority in rescheduling the assessments. If travel restrictions allow, other than the usually contracted LABs should be evaluated to provide the assessments.</p> <p>(11) Part-66 aircraft maintenance licence holders benefitting 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.</p> <p>B) Environment: The circumstances and needs addressed by the exemption do not have an impact on environment.</p>
	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.
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	 SKM_C30820031813300.pdf

