

**European Union Aviation Safety Agency
EASA**

Date
20.11.2020
Doc No
TRAFICOM/510428/05.00.28.00/2020
Reference
EASA guidance 19.11.2020

Decision on granting exemptions under Article 71(2) of Regulation (EU) No 2018/1139

The Finnish Transport and Communications Agency (Traficom) has decided to grant repetitive exemptions based on Article 71(2) of Regulation (EU) 2018/1139 regarding certain requirements of Regulation (EU) No 1178/2011. The original Article 71(1) exemptions were issued:

- 23 March 2020 (TRAFICOM/122157/05.00.28.00/2020),
- 27 March 2020 (TRAFICOM/131874/05.00.28.00/2020),
- 2 April 2020 (TRAFICOM/136227/05.00.28.00/2020) and
- 7 April 2020 (TRAFICOM/143021/05.00.28.00/2020).

The exemptions in this decision are valid from 23 November 2020 until 31 March 2021.

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:

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

(a) The validity period of all of the following is extended until 31 March 2021, unless otherwise required in point (b):

- (1) class ratings, type ratings and instrument ratings endorsed in Part-FCL pilot licences;
- (2) Part-FCL instructor and examiner certificates;

(3) language proficiency endorsements as per point FCL.055 of Part-FCL.

(b) When a person already made use of a particular exemption arrangement under the general exemption granted by Finnish Transport and Communications Agency (TRAFICOM/122157/05.00.28.00/2020, TRAFICOM/131874/05.00.28.00/2020, TRAFICOM/136227/05.00.28.00/2020 and TRAFICOM/143021/05.00.28.00/2020), and the additional time period granted in respect of the applicable requirement:

(1) in the case of the validity period of an instructor or examiner certificate:

(i) was less than twelve months, then that time period and the additional time period granted to that person under this exemption shall cumulatively not exceed twelve months;

(ii) was twelve months, then this exemption shall not be applied to that person;

(2) in all other cases:

(i) was less than eight months, then that time period and the additional time period granted to that person under this exemption shall cumulatively not exceed eight months;

(ii) was eight months, then this exemption shall not be applied to that person.

Justification

The COVID-19 outbreak and its second phase has resulted in requirements of health safety measures, physical distancing, travel restrictions and closure of borders between a majority of States.

- Holders of Part-FCL pilot licences who are required to perform their licence proficiency check (LPC) to revalidate the validity period of their class, type or instrument ratings are not able to timely reach or gain access to flight simulation training devices (FSTD), or are not able to follow health safety measures, 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, or have already, resulted 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 are not able to timely reach or gain access to FSTD, or are not able to follow health safety measures, to complete the necessary assessment of competence. This would, or have already, resulted in expiry of said certificate.

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 and certificates as well as operators 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. 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.

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 rating or endorsement, or the relevant rating or endorsement 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 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. If the person is not currently working for an operator, to whom Part-ORO applies, they shall, during the application period of this exemption, have received a briefing from an instructor who holds relevant instructional privileges in order to refresh the required level of theoretical knowledge to safely operate the applicable class or type and to safely carry out the relevant manoeuvres and procedures, as applicable. That briefing shall include class – or type – specific abnormal and emergency procedures, as appropriate.

Upon successful completion of the requirements as per point (b), 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 or valid examiner certificate, or the relevant certificate 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 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) 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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Lähteenmäki-Riistama Kirsi