

Bilaga till beslut om undantag i ärende TSL 2020-2110 (EASA Exemption notification)

Senast ändrad den 18 augusti 2020.

<p>* Exempted requirements</p>	<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 and ATCO.B.035 of Annex I (Part-ATCO) - points ATCO.MED.A.045 and 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>
<p>* Summary of the exemption</p>	<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 Swedish Transport Authority, 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 rating or a certificate has not expired, the 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;
- (2) until the end of the application of this Exemption, in the case of:
 - (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.

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.

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

Provided that period of training and checking, as set out in the applicable training and checking requirements of Part-ORO, has not expired, the 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;
- (1a) pilot qualification to operate in either pilot's seat in accordance with point ORO.FC.235 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.

	<p>(c) 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>Provided that an endorsement or a certificate has not expired the validity period of all of the following is extended as follows:</p> <p>(1) by 4 months, 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, privileges of Part-ATCO.MED aeromedical examiner certificates related to Class 3 medical certificates.</p> <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 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 comes first.</p> <p>(d) Aircraft maintenance licences issued in accordance with Annex III (Part-66) to Regulation (EU) No 1321/2014</p> <p>Provided that the licence has not expired, the 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.</p>
<p>* Reasons for granting it</p>	<p><input checked="" type="checkbox"/> Unforeseeable circumstances</p> <p>The COVID-19 outbreak has resulted in drastic travel restrictions and closure of borders between a majority of States.</p> <ul style="list-style-type: none"> • 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.

	<ul style="list-style-type: none">• 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 Class 3 medical certificates issued in accordance with Annex IV (Part-ATCO) 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
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	<p>access to their competent authorities. This would result in expiry of said certificates.</p> <ul style="list-style-type: none"> • Holders of aircraft maintenance licences issued in accordance with Part-66 are not able to timely revalidate their licence. <p><input checked="" type="checkbox"/> Urgent operational needs</p> <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 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 flight and cabin crew members as well as ATCOs and aircraft maintenance licence holders to operate on behalf of said organisations.</p>
<p>* Summary of Mitigating measures, if any</p>	<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> <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</p>

	<p>nominated by the operator shall endorse the certificate, as appropriate, with the new expiry date.</p> <p>(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.</p> <p>(4) Part-MED cabin crew medical report holders benefitting from this exemption shall hold a valid cabin crew medical report without limitations, except visual ones.</p> <p>(5) Part-MED and Part-ATCO.MED aero-medical examiner certificate holders benefitting 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.</p> <p>(6) Operators benefitting from this exemption shall comply with all of the following:</p> <p>(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.</p> <p>(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.</p> <p>(7) In the case of ATCO unit endorsement in ATCO licences, the air navigation service provider (ANSP) should ensure that the potential unavailability of STDs is mitigated by other means, e.g.</p>
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	<p>computer-based training or the rescheduling refresher training as soon as possible.</p> <p>(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.</p> <p>(9) 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> <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> <p>E) Essential requirements: Not applicable.</p>
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