

Exemption Notification Article 71(2)

EASA Draft Reference: 121541

Article 71(2) of Regulation (EU) 2018/1139

Exemption with duration (cumulative) above 8 months Notification Form

Date of latest modification	2020-12-01
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Notifying State									
Member or Associated State / National Authority	LU								
Reference of the notification from the State	2020-103544								
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>+352 24774996</td> </tr> </table>	First name	Mirjam	Surname	Huizer	E-mail	mirjam.huizer@av.etat.lu	Phone	+352 24774996
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Exemption		
Title	Covid19 /2W: Extension of validity periods and other time periods for aircrew	
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.025 FCL.055 FCL.140.A FCL.140.H FCL.625 FCL.725 FCL.740 FCL.735.A FCL.735.H FCL.805 FCL.810 FCL.815 FCL.825 FCL.830 FCL.815 FCL.940 FCL.1025 Appendix 3, Section H, point 1 of Annex I (Part-FCL) - point MED.A.045 of Annex IV (Part-MED) <p>Regulation (EU) 2018/395, points BFCL.135, BFCL.160, BFCL.200, BFCL.215 and BFCL.360 of Annex III (Part-BFCL)</p> <p>Regulation (EU) 2018/1976, points BFCL.135, SFCL.155, SFCL.160, SFCL.205, SFCL.215 and SFCL.360 of Annex III (Part-SFCL)</p>
Repetitive Exemption	Yes, duration cumulative above 8 months	

Duration of exemption	2020-11-30 to 2021-07-31
Previous Exemptions	<p>EASA Reference: 711/20/0292</p> <p>MS reference: 2020-96801</p> <p>Duration of exemption: 2020-03-27 to 2020-11-27</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 applicants for as well as holders of licences, ratings, privileges, endorsements and certificates issued by DAC Luxembourg in accordance with Regulation (EU) No 1178/2011, including associated medical certificates, all of the following shall apply:</p> <p>When a person already made use of a particular exemption arrangement under the general exemption granted by DAC Luxembourg (reference: 2020-96669, 2020-96801 or 2020-99306) and the additional time period granted in respect of the applicable requirement:</p> <p>(1) in the case of the validity period of an instructor or examiner certificate:</p> <p>(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;</p> <p>(ii) was twelve months, then this exemption shall not be applied to that person;</p> <p>(2) in all other cases:</p> <p>(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;</p> <p>(ii) was eight months, then this exemption shall not be applied to that person.</p> <p>(a) The validity period or time period (as applicable) of all of the following is extended:</p> <p>(1) by four months or until 31 March 2021, whichever is the earlier in the case of validity periods of all of the following:</p> <p>(i) class ratings, type ratings and instrument ratings endorsed in Part-FCL pilot licences;</p> <p>(ii) mountain ratings;</p> <p>(iii) Part-MED medical certificates of pilots who are currently staying and exercising their privileges in a third country;</p> <p>(vi) Part-FCL instructor and examiner certificates;</p> <p>(vii) language proficiency endorsements as per point FCL.055 of Part-FCL;</p> <p>(viii) recommendations for taking theoretical knowledge examinations, issued by a DTO or by an ATO in accordance with point FCL.025(a)(3) of Part-FCL, point BFCL.135(b)(3) of Part-BFCL and point SFCL.135(b)(3) of Part-SFCL;</p> <p>(ix) theoretical knowledge examinations for the purpose of licence issue as per points (c)(1) and (c)(2) of point FCL.025 of Part-FCL, point BFCL.135(d) of Part-BFCL and point SFCL.135(d) of Part-SFCL;</p> <p>(x) the time periods specified in point FCL.725(c) of Part-FCL with regard to all of the following:</p> <p>(A) the time period between the commencement of the type rating training course and the pass of the skill test;</p> <p>(B) the time period between the pass of the skill test and the application for the</p>



issue of the class or type rating;

(xi) the time period specified in all of the following, provided that the regular time period ended during the application period of this Exemption:

(A) point FCL.735.A(b);

(B) point FCL.735.H(b);

(C) point (1) of Section H of Appendix 3 to Part-FCL;

(D) points (a)(1) and (b)(2) of point FCL.810;

(E) point FCL.815(b);

(F) point FCL.825(c);

If, in March 2021, the competent authority considers that the reasons for granting this Exemption will still apply beyond March 2021, the validity period of the rating, privilege or certificate may be further extended for another period of four months or until 31 July 2021, whichever is the earlier.

(b) Until 31 March 2021, for the application of the following FCL requirements, the time period is extended as follows:

(2) to the last 2 years and 8 months, in the case of point FCL.140.A(a) (LAPL(A) recency);

(3) to the last 20 months, in the case of point FCL.140.H (LAPL(H) recency);

If, in March 2021, the competent authority considers that the reasons for granting this Exemption will still apply beyond March 2021, the arrangement of this paragraph may be further applied as long as necessary but no later than 31 July 2021.

(c) Until 31 March 2021, for the application of the following BFCL requirements, the time period is extended as follows:

(1) to the last 30 months, in the case of all of the following:

(i) points (a)(1)(i), (a)(2) and (f)(1) of point BFCL.160 (balloon pilot recency);

(ii) point BFCL.215(d)(2) (commercial operation rating recency);

(2) to the last 56 months, in the case of all of the following:

(i) point BFCL.160(a)(1)(ii) (balloon pilot recency);

(ii) point BFCL.200(d) (recency for tethered balloon flight);

(3) to the last 300 days, in the case of point BFCL.215(d)(1) (commercial operation rating recency);

(4) to the last 3 years and 8 months, in the case of point BFCL.360(a)(1) (balloon instructor recency).

If, in March 2021, the competent authority considers that the reasons for granting this Exemption will still apply beyond March 2021, the arrangement of this paragraph may be further applied as long as necessary but no later than 31 July 2021.

(d) Until 31 March 2021, for the application of the following requirements, the time period is extended as follows:

(1) to the last 2 years and 8 months, in the case of all of the following:

(i) point SFCL.155(c) (sailplane launching methods);

(ii) point SFCL.205(f) (sailplane towing or banner towing rating);

(iii) point SFCL.215(e) (sailplane cloud flying rating);

(2) to the last 30 months, in the case of points (a) and (b) of point SFCL.160 (sailplane pilot recency).

(3) to the last 3 years and 8 months, in the case of point SFCL.360(a)(1) (sailplane



instructor recency).

If, in March 2021, the competent authority considers that the reasons for granting this Exemption will still apply beyond March 2021, the arrangement of this paragraph may be further applied as long as necessary but no later than 31 July 2021.

If, in March 2021, the competent authority considers that the reasons for granting this Exemption no longer apply, this Exemption will be withdrawn.

Reasons for granting it

**Urgent
unforeseeable
circumstances**



The COVID-19 outbreak still causes drastic 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 ratings, type ratings, instrument and mountain ratings are not able to timely reach or gain access to aircraft or flight simulation training devices (FSTDs) to complete the necessary flights, 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 LAPLs, BPLs, SPLs as well as of mountain ratings ratings are not able to maintain recent experience related to their privileges.
- 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 aircraft or FSTDs to complete the necessary assessment of competence. This would result in expiry of said certificate.
- Holders of Part-MED medical certificates who are currently staying and exercising their privileges in a third country and also hold an ICAO-compliant aero-medical certificate issued by that third country may face difficulties to travel to the EU or to the nearest Part-MED aero-medical examiner for the purpose of revalidating their Part-MED aero-medical certificate.
- Applicants for the issue of a licence or an instrument rating are not able to timely reach the competent authority to complete theoretical knowledge examinations within the time periods specified in points (a)(3) and (b)(2) of point FCL.025 of Part-FCL.
- After completion of theoretical knowledge examinations, applicants for the issue of a licence or an instrument rating are not able to access training facilities and training aircraft or FSTDs in order continue with practical training within the time periods specified in point FCL.025(c)(1) of Part-FCL.
- Applicants for a class or a type rating are not able to access training facilities as well as training aircraft or FSTDs in order to comply with the second subparagraph of point FCL.725(c) of Part-FCL.




	Urgent operational needs	<p>The continued applicability of mandatory health safety measures, including related travel restrictions, imposed by health authorities of the Member State (physical distancing) as well as the closure of borders may result in the impossibility for pilots to meet instructors/examiners for the purpose of required training or check flights. In such cases, the continued use of Article 71 BR is deemed justified.</p> <p>The sole obligation of quarantine (e.g. in case of the need to travel to/from a training facility) does not automatically justify an exemption as per Article 71(2) BR.</p>
Summary of mitigating measures	Safety, environmental protection	<p>A) Safety:</p> <p>(1) Holders of class ratings, type ratings, instrument ratings, mountain ratings or language proficiency endorsements benefiting from point (a) of this exemption (see field "Summary of the exemption") shall comply with all of the following:</p> <p>(a) they shall hold a valid relevant rating and, if applicable, a valid language proficiency endorsement, or such a rating or endorsement that expired in November 2020;</p> <p>(b) It has to be documented that COVID-19 is the reason why the regular training / checking could not be completed.</p> <p>(c) 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.</p> <p>(2) Upon successful completion of the briefing as per point (b), the new expiry date of the relevant rating and, if applicable, the language proficiency endorsement, shall be indicated in one of the following methods:</p> <p>(a) it shall be endorsed in the licence of the pilot by one of the following:</p> <p>(i) the CA;</p> <p>(ii) an instructor acting in accordance with point FCL.945;</p> <p>(iii) an examiner acting in accordance with point FCL.1030;</p> <p>(b) it shall be endorsed by the CA in an attachment to the licence of the pilot.</p>



		<p>(3) Instructors and examiner certificate holders benefiting from point (a) of this exemption (see field "Summary of the exemption") shall hold a valid instructor and, if applicable, a valid examiner certificate or a certificate that expired in November 2020. The new expiry date of the certificate shall be endorsed in the licence or certificate of the pilot, either by the CA or a (senior) examiner acting in accordance with point FCL.1030, as applicable.</p> <p>It has to be documented that COVID-19 is the reason why the regular training / checking could not be completed.</p> <p>(4) Applicants for a licence, rating or certificate benefiting from point (a)(2)(vii) of this exemption (see field "Summary of the exemption") shall have received additional training, if deemed necessary by the ATO or the DTO, in consultation with the CA.</p> <p>(5) Holders of licences as per Part-FCL, Part-BFCL and Part-SFCL benefitting from point (b), (c) or (d) of this Exemption (see field "Summary of the exemption") 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 aircraft and to carry out the relevant manoeuvres and procedures, as applicable. That briefing shall include specific abnormal and emergency procedures, as appropriate to the category, class and type of aircraft as well as to the relevant kind of privileges, as applicable.</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>D) Essential requirements: Not applicable.</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, privileges, endorsements and certificates issued by DAC Luxembourg in accordance with the Regulations specified above in the field "Exempted requirements"
Product	N/A

Attached Documentation	
MS Original Granting Document	 Letter Exemption 71(2) of validity periods due to the COVID-19 outbreak 2020-103544.pdf

