



## EXEMPTION NUMBER – BCAA/Exemptions/COMB/2020-01

### EXEMPTION UNDER ARTICLE 71(1) REGULATION (EU) 2018/1139 IN RESPECT OF NON-COMPLIANCE WITH AN REQUIREMENT

- 1 **Exemption.** The Belgian Civil Aviation Authority, on behalf of Belgium, pursuant to Article 71(1) of Regulation (EU) No 2018/1139, hereby exempts:
  - **Regulation (EU) No 1178/2011**, particularly:
    - 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);
  - **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).
  - **Regulation (EU) 2015/340**, particularly:
    - 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)
  - **Regulation (EU) 1321/2014**, particularly point 66.A.40 of Annex III (Part-66)

- 2 **Applicability.**

Subject to fulfilling the applicable mitigating conditions as specified in this Exemption, with regard to licences, ratings, certificates and attestations issued by the BCAA, including associated medical certificates and reports, all of the following shall apply:

- (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**

Provided that the regular validity period of a rating or a certificate expires before **31 July 2020**, that validity period is extended as follows:

- (1) by 4 months, in the case of:
  - (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 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 2020, 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) Part-ATCO Class 3 medical certificates as per point ATCO.MED.A045 of Part-ATCO-MED;
  - (ii) ATCO language proficiency endorsements as per point ATCO.B.035 of Part-ATCO.
- (2) until the end of the application of this Exemption, 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 or the end of the application of this Exemption, whichever comes first.

**(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.

**3 Conditions of exemption.** This exemption is granted subject to the following conditions:

**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 are maintained. That assessment shall include class- or type – specific abnormal and emergency procedures..

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.

- (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) **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.
- (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. computer-based training or the rescheduling refresher training as soon as possible.
- (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.
- (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.

**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.

4 **Validity.** This exemption shall have effect from 18/03/2020 until 17/11/2020.

5 **Notification.** This exemption is notified to EASA, the European Commission and the member states of the European Union.

The director general of the Belgian Civil aviation Authority a.i.

Eugeen Van Craeyvelt  
Director General a.i.