



EXEMPTION NUMBER – BCAA/Exemptions/COMB/2020-03

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.055, 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.GEN.110, ORO.FC.130, ORO.FC.230, ORO.FC.235, ORO.FC.330, ORO.FC.A.245, ORO.CC.140 and ORO.TC.135 of Annex III (Part-ORO)
- point SPA.DG.105 of Annex V (Part-SPA)

Regulation (EU) 2015/340, particularly:

- points ATCO.B.020, ATCO.B.035, ATCO.C.020, ATCO.C.040 and ATCO.C.060 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 (“3 Conditions of exemption”), with regard to licences, ratings, endorsements, certificates and attestations issued by the Belgian Civil Aviation Authority, 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**

The validity period of all of the following is extended as follows:

- (1) by 4 months or until the end of the application of this Exemption, whichever is the shorter period of time, in the case of:
 - (i) class ratings, type ratings and instrument ratings endorsed in Part-FCL commercial pilot licences (CPL, MPL, ATPL) for operating aircraft 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.

BCAA decided that by the end of the period specified in point (1), the reasons for granting this Exemption still apply, the validity period of the rating or certificate may be further extended for another period of up to 4 months or the end of the application of this Exemption, whichever date comes first.

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

The validity period of all of the following is extended by 4 months or until the end of the application of this Exemption, whichever is the shorter period of time:

- (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) operator line-oriented evaluation in accordance with point ORO.FC.A.245(d) of Part-ORO, 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;
- (7) operator line checks (LC) in accordance with point ORO.FC.230(c) of Part-ORO;
- (8) operator dangerous goods recurrent training in accordance with point ORO.GEN.110(j) of Part-ORO and, when applicable, point SPA.DG.105(a) of Part-SPA;
- (9) operator crew resource management recurrent training in accordance with point ORO.FC.230(e)(1) and (e)(2) of Part-ORO;
- (10) operator recurrent training and checking in accordance with point ORO.FC.130 of Part-ORO.

The list above includes any applicable Part-SPA recurrent training and checking elements

BCAA decided that by the end of the period specified in the introductory sentence of this point (b), 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

The validity period of all of the following is extended as follows:

- (1) by 4 months or until the end of the application of this Exemption, whichever is the shorter period of time, 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, in the case of:
 - (i) practical instructor endorsements (OJTI and STDI) as per points ATCO.C.020, ATCO.C.040 of Part-ATCO;
 - (ii) assessor endorsements as per point ATCO.C.060 of Part-ATCO;
 - (iii) privileges of Part-ATCO.MED aeromedical examiner certificates related to Class 3 medical certificates.

BCAA decided that by the end of the period specified in point (1), 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 date comes first.

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

The validity period of aircraft maintenance licences is extended by 4 months or until the end of the application of this Exemption, whichever is the shorter period of time. If, towards the end of that 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:

- (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 is 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), the new expiry date of the relevant rating and, if applicable, the language proficiency endorsement, shall be endorsed in the licence of the pilot 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 and, if applicable, a valid examiner certificate. The new expiry date shall be endorsed in the licence of the pilot, by a (senior) examiner nominated by the operator and acting in accordance with point FCL.1030, as applicable.
- (3) **Part-MED Class 1 medical certificate holders and Part-ATCO.MED Class 3 medical certificate holders** benefitting from this exemption shall hold a valid Class 1 or Class 3 medical certificate without limitations, 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.
- (6) **Operators** benefiting from this exemption shall comply with all of the following:
 - (a) The operator shall ensure that flight crew members benefiting from this exemption comply with the refresher training specified in point (1)(c) above in all of the following cases:
 - (i) operator proficiency checks (OPC) in accordance with point ORO.FC.230(b);
 - (ii) line checks in accordance with point ORO.FC.230(c);
 - (iii) line-oriented evaluation in accordance with point ORO.FC.A.245(d), if applicable.
 - (iv) pilot qualification to operate in either pilot's seat in accordance with point ORO.FC.235.
 - (b) In addition to point (a) above, the refresher training mentioned in point (1)(c) shall include any additional Part-SPA related elements, as applicable.
 - (c) The operator shall ensure that crew members complete additional training through any means in all of the following cases:
 - (i) operator emergency and safety equipment training and checking in accordance with ORO.FC.230(d);
 - (ii) ground and flight training in accordance with point ORO.FC.230(f);
 - (iii) OPC for commercial specialised operations and CAT operations referred to in point ORO.FC.005(B)(1) and (2), in accordance with point ORO.FC.330;
 - (iv) cabin crew recurrent training and checking in accordance with point ORO.CC.140;
 - (v) technical crew recurrent training in accordance with point ORO.TC.135.
 - (vi) dangerous goods recurrent training in accordance with point ORO.GEN.110(j) and, when applicable, point SPA.DG.105(a);
 - (vii) crew resource management recurrent training in accordance with point ORO.FC.230(e)(1) and (e)(2);
 - (viii) operator recurrent training and checking in accordance with point ORO.FC.130 of Part-ORO.

Note: The intent of "through any means" is that operators provide additional training to crew members in order to compensate for the extended validity of the different training elements of Part-ORO and Part-SPA, as

applicable. This could be done for example via briefing/leaflet/bulletin/CBT/video.

- (7) In the case of **ATCO unit endorsements as well as instructor and assessor endorsements** 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.
 - (10) When implementing training as per points (1)(c), (6)(c) or (7), operators or air navigation service providers shall, in accordance with the applicable requirements of Regulation (EU) No 965/2012 or Regulation (EU) 2015/340, **seek approval for any temporary changes to training programmes** from the competent authority without undue delay.
- 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.
 - 6 **Repeal.** The exemption BCAA/Exemptions/COMB/2020-02 is repealed.

Emmanuelle Van Damme
Director-General a.i.