



**CYPRUS DEPARTMENT OF CIVIL AVIATION
SAFETY REGULATION UNIT**

GUIDELINES

**FOR HANDLING EXEMPTIONS TO FLIGHT CREW AND
CABIN CREW TRAINING AND CHECKING REQUIREMENTS
IN THE FIELD OF COMMERCIAL AIR TRANSPORT
OPERATIONS UNDER ARTICLE 71 OF REGULATION (EU)
2018/1139 (THE BASIC REGULATION)**

Guidelines in relation to the COVID-19 pandemic

Issue no: 1

Date: 04 December 2020

INTENTIONALLY LEFT BLANK

Contents

Guidelines in relation to the COVID-19 pandemic	1
1. Background.....	5
2. Purpose of these Guidelines.....	5
3. Exempted requirements.....	6
4. Duration.....	6
5. Considerations.....	7
6. Reasons for granting it	8
6.2 Urgent operational needs	8
6.3 Inability to adequately address those circumstances or needs in compliance with the applicable requirements	8
7. Mitigating measures.....	9
7.1 Assessment of safety.....	9
8. Assessment of compliance with the applicable essential requirements	11
9. Job aid.....	12

INTENTIONALLY LEFT BLANK

1. Background

The cessation or significant reductions of continuous commercial air transport operations as well as travel restrictions, resulted by the COVID-19 outbreak and imposed health safety measures, may still limit the accessibility to training facilities.

Compliance with all applicable crew training and checking requirements should be sought as far as possible even under the “new normal” but full compliance with these requirements may still be an issue for those European operators for which RNO (Return to Normal Operation) is not as fast as initially expected. For these cases, the potential continued use of exemptions, in accordance with **Article 71 of Regulation (EU) 2018/1139**, also beyond the initial 8-month duration, may need to be considered.

2. Purpose of these Guidelines

The purpose of these Guidelines is to assist EASA Member States in the continued use of **Article 71 of Regulation (EU) 2018/1139 (the Basic Regulation, hereinafter: BR)** during the COVID-19 outbreak.

In early 2020, EASA Member States started to make comprehensive use of **Article 71(1) BR** for issuing exemptions from flight and cabin crew recurrent training and checking requirements, after the COVID-19 outbreak and related restrictions had led to significant issues in complying with these requirements.

These exemptions allowed commercial air transport operators to deviate from crew training and checking requirements for a duration of up to eight months, which is the maximum time period allowed under the ‘simple’ exemption procedure of **Article 71(1) BR**.

As already mentioned above, not all commercial air transport operators are yet able to fully comply with the applicable crew training and checking requirements, due to the ongoing COVID-19 outbreak. For these commercial air transport operators, EASA Member States may consider to extend the exemption regime that was put in place in early 2020, subject to conditions laid down in **Article 71(1) BR**, including the assessment of the need for continuing the exemptions and ensuring safety, where necessary through the application of appropriate mitigating measures.

In this regard, the applicable procedure will be the one set out in:

- (a) **Article 71(1) BR**, in cases where the total duration of the exemptions granted by Member States in early 2020 and of the subsequent exemptions now being considered does not exceed eight months;
- (b) **Article 71(2) BR**, in all other cases where the total duration of the exemptions granted by Member States in early 2020 and of the subsequent exemptions now being considered would exceed eight months.

For the purpose of issuing extended exemptions to commercial air operators as per point (a) above, EASA Member States may use the exemption templates that were provided by EASA in early 2020.

In the context of point (b) above, this document provides guidelines for national competent authorities (NCAs) in using **Article 71 BR** for extending the exemption regime for commercial air transport operators that still face significant issues when seeking compliance with crew training and testing requirements in the course of the continuing COVID-19 outbreak.

The guidelines include a job aid for the NCAs to ensure that all provisions of **Article 71(1) and Article 71(2) BR** are complied with.

As a general principle, and irrespective of the duration of the exemptions granted to the aircraft operator, EASA does not recommend extending the validity of licence proficiency checks (LPC), medical certificates and theoretical recurrent training and checking elements by more than eight months in respect of any individual pilot. Any deviation from this approach should be carefully evaluated by the NCA as regards the impact on safety.

3. Exempted requirements

a) The requirements from which exemptions may be considered are the following:

Regulation (EU) No 1178/2011, particularly:

- points **FCL.740(b)**, **FCL.625(c)**, **FCL.940.CRI**, **FCL.940.SFI**, **FCL.940.TRI** and **FCL.1025** (solely in the context of CRE/SFE/TRE including senior examiners) of Annex I (Part-FCL).

For the sake of clarity, exemptions for the aforementioned Part-FCL requirements can be considered only when both the candidate pilot and the instructor or examiner are employed by the same operator.

Regulation (EU) No 965/2012, particularly:

- points **ORO.GEN.110**, **ORO.FC.105**, **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(b)** of Annex V (Part-SPA).

4. Duration

The exemptions should be limited in scope and duration to the extent strictly necessary and be applied in a non-discriminatory manner.

For the purpose of this document and in the context of applying **Article 71 BR**, the terms '**duration of exemption**' on the one hand and '**extension period**' (for particular training and checking validity periods) on the other hand should be differentiated.

First, the '**duration of the exemption**' is the time period for which a EASA Member State decides to issue approvals to persons and/or organisations under its oversight where these approvals are not in full compliance with the existing regulatory framework. The duration of the exemption or the total duration if more than one sequential identical exemptions is granted, is crucial for determining whether the procedure of **Article 71(1)** or **Article 71(2) BR** applies. Second, the '**extension period**' is the additional time period that, on the basis of the exemption, is granted to a person organisation in respect of a particular training and checking expiry date. For example, if an EASA Member State decides to grant a six-month extension to OPC validity periods in the time between March 2020 and July 2020, then the duration of the exemption is four months (March to July) while the extension period is six months. The exemption duration and the extension period can differ: A pilot whose OPC expires in June 2020 can benefit from the exemption in the aforementioned example in such way that, under the exemption, the validity period of his/her OPC is extended until October 2020 (June plus four months).

There is no specific restriction on the duration of an exemption based on **Art 71(2) BR**. However, the acceptable duration of a particular exemption as well as the length of the extension periods will be dependant from duration of the related urgent operational needs and the proposed mitigation measures. In particular cases, a longer extension period will require amplified mitigation measures (e.g. the repetition of the additional theoretical courses related to missing practical training items).

The **‘validity period’** of the additional theoretical training should be defined considering the crew members’ total experience and the time elapsed since the last relevant regular training event. As an example, if the crew member has completed one triennial recurrent training cycle, the additional training (mitigation training) should be repeated every 12 months. In other cases, a shorter period could be considered appropriate.

5. Considerations

- a) Every Exemption granted should be monitored by NCAs to verify the effective implementation of the mitigating measures and of the aircraft operators to ensure that at the end of the exemptions period the crew training backlog is properly managed
- b) Exemptions as per **Article 71(1) BR** are still available for EASA Member States that so far granted such general exemptions for a duration of less than eight months, provided that the total duration of the exemption issued in early 2020 and of the subsequent exemption does not exceed eight months.
- c) The following existing EASA guidelines for granting exemptions and conduct of training during COVID-19 crisis should be taken into account:
 - I. **EASA COVID-19 Template 1a**
Covid19 – outbreak: Extension of validity periods for licences, ratings, endorsements, certificates and attestations of aircrew, instructors, examiners.
 - II. EASA Guidelines for handling exemptions to flight crew recent experience requirements in the field of commercial air transport operations in accordance with point **ORO.FC.100** ANNEX III (Part-ORO) to **Regulation (EU) No 965/2012** and point **FCL.060** ANNEX I (Part-FCL) to **Regulation (EU) 1178/2011** under **article 71(1)** of **Regulation (EU) 2018/1139** (The Basic Regulation)
 - III. Guidance for Virtual Classroom Instruction and Distance Learning in relation to the SARS-CoV-2 pandemic.
 - IV. Guidelines for Cabin Crew Recurrent Training during Covid-19
- d) No exemptions should be normally granted from the theoretical items of crew training programmes, taking in consideration the availability of many different alternative training methods (electronic classroom, VR, videos, applications for online training with interacting groups of trainees, etc.) to provide all theoretical training courses.
- e) The following pilot competencies could be regained, once the flight crew member completes an adequately prepared OPC:
 - ✓ specific approvals (LVO, EFB, MNPS PBN, ETOPS, HOIST, HEMS, HOFO etc.);
 - ✓ steep approach, short field operation, narrow runways, etc.;
 - ✓ either pilot’s seat qualification;
 - ✓ familiarisation with the more complex areas or routes in FSTD using an appropriate database.

- f) The duration of an OPC, if deemed necessary, can be reassessed in light of the current operational needs. The operator should propose a reasonable duration of the check that allows a crew member to complete the revised training and checking elements (in accordance with the minimum requirements of Part-ORO Subpart ORO.FC), subject to the NCA approval.
- g) Pairing exempted crew member(s) with fully compliant crew member(s) may be considered.

6. Reasons for granting it

6.1 Urgent unforeseeable circumstances

- a) Urgency has to be consistent with the operator's risk assessment supporting the exemption request.
- b) Consideration of:
 - ✓ the current operator's contract – verify service provider's non-availability (verification can be done through evaluation of evidence, if considered sufficient).
 - ✓ the possibility to (temporarily) sign contract(s) with other service providers, if available.
 - ✓ the restrictions/limitations present at the time of planning; an assessment of existing rostering practices may be performed in order to ascertain that unforeseen circumstances are indeed a valid reason to ask for an exemption.
 - ✓ The sole obligation of quarantine does not automatically justify an exemption as per **Article 71(2) BR**.

6.2 Urgent operational needs

- a) Operators should act with due diligence in order to prevent the need for an exemption (e.g. verification of training facilities availability).
- b) Urgent operational need may arise from a reduction in the capacity of training facilities, as result of the need to comply with health measures that could not have been foreseen in due time for planning testing and checking activities.
- c) Exemption requests should be processed only after the operator has implemented such processes with due diligence and has justified the urgency, linked with the impossibility to fully comply with the applicable requirements.

6.3 Inability to adequately address those circumstances or needs in compliance with the applicable requirements

In the case of flight training and checking, the use of the aircraft can be evaluated, especially for helicopter, air taxi and less complex CAT operations. In these cases, only some elements may be exempted (decreasing the overall exposure). Due consideration must be given to the additional risks related to simulated abnormal procedures in the aircraft, as these may be higher than the risks linked to the erosion of competence. When the training or checking usually performed in FSTD is temporarily conducted in the real aircraft, special emphasis should be given to the competencies of instructors and examiners in performing these activities in the aircraft.

7. Mitigating measures

7.1 Assessment of safety

a) Practical training elements

The validity of practical training elements included in the operator's annual and triennial recurrent training programme (e.g. actual use of equipment / donning and inflation of a life-jacket/PBE, handling of fire extinguishers/pyrotechnics, firefighting, actual operation of exits in the emergency mode, etc.), could be extended, provided that operators' risk assessment defines appropriate mitigation measures, including additional training. This additional training may include one or more of the following:

- ✓ training items related to the postponed practical training (e.g. videos, VR, CBT, web-based training; virtual classroom, etc.);
- ✓ touch drills in the aircraft;
- ✓ demonstrations by trainers.

In case of extended exemption duration, the additional training should be repeated after a certain period, which should be defined considering:

- ✓ the total experience of the crew member,
- ✓ the time elapsed since the last regular relevant training event.

As an example, if the crew member has completed one triennial recurrent training cycle, the validity of the additional theoretical training may be extended up to 12 months. In other cases, a shorter period could be an acceptable mitigating measure.

b) Operator proficiency check

The validity period of an OPC could be extended, from 8 up to 12 months, provided that the operators' risk assessment defines, in addition to the mitigating measures specified in the EASA Template 1a, mitigation measures that include at least touch drill training in the aircraft. The risk assessment should consider:

- ✓ the total experience of the crew member;
- ✓ the time elapsed since the last regular relevant training.

c) Category C aerodrome knowledge

In case of lack of operation within a 12-month period, the validity of Category C aerodrome knowledge may be extended as follows:

1. Up to 18 months for:
 - line supervisors (line training captains) and type rating instructors (TRIs) if they are briefed or self-briefed by means of programmed instructions on the aerodrome concerned;
 - all other pilots if they are briefed or self-briefed by means of programmed instructions on the aerodrome concerned and complete training in an FSTD, as described below;
2. Up to 24 months for line supervisors (line training captains) and type rating instructors (TRIs) if they are briefed or self-briefed by means of programmed instructions on the aerodrome concerned and complete training in an FSTD, as described below.

The training in an FSTD referred to in points 1 and 2 above should be undertaken in the aerodrome C simulated environment and should include exercises related to all risk factors of each aerodrome (terrain, performance limited runway, high elevation, exceptional approach profile, etc.).

d) Availability and accessibility of FSTD

Applications for exemptions from FSTD training are based on two reasons; availability or accessibility (see definitions in point **FCL.010** and the requirements in Section A point (1) of Appendix 9 to Part-FCL).

In case of confirmed unavailability of any adequate FFS, the following options should be considered:

- ✓ Use of FFS that is qualified by a third country and that has similar FSTD technical specification as the European PRDs, provided that negative transfer of training is avoided;
- ✓ Use of FTD/FNPT

Note 1: *In the case of single-pilot aeroplanes and helicopters, the use of FSTDs other than FFS, in combination with the aircraft, is foreseen in Section A point (1) of Appendix 9 to Part-FCL for cases where an FFS is not available/accessible. For this purpose, an exemption as per Article 71 BR is not necessary.*

Note 2: *In the case of multi-pilot aircraft, FSTDs other than FFS may be used only to the extent to which appropriate mitigating measures are put in place to avoid negative transfer of training.*

In case of quarantine, the closure of borders or other specific restrictions enforced by health authorities, the operator should do all of the following, before applying for an exemption (extension of validity period for training and/or checking events for SPA and MPA operators):

- ✓ establish the plan for training and checking events well in advance;
- ✓ evaluate the possible alleviations granted by the State for specific job categories (e.g. flight crew, cabin crew, etc.);
- ✓ evaluate the possibility to make the COVID-19 test in advance and in accordance with the health measures imposed by local authorities;
- ✓ demonstrate that an unexpected change in the health measures imposed and procedures to comply with happened without allowing any solution;

Anticipate training and checking as far as practicable in order to prevent possible future restrictions.

In such cases, a respective exemption should be granted only for the time period that is necessary for the operator to reschedule the respective training or checking event.

e) Line check

To carry out the line check, an aircraft should be used. The validity period of the line check could be extended for an additional time period of up to 12 months, provided that a dedicated session in a suitable FSTD is performed, if considered adequate to demonstrate competence in carrying out normal line operations as described in the operations manual.

If there are not enough flights available and the flight crew is not involved in any line operations, there is no need to maintain the line check valid.

f) Return to normal operations

In case of flight a crew member's extended absence from line operations, the return to normal operations may include some sectors of line flying under supervision. The minimum number of sectors should be based on the operator's risk assessment, the crew recency status and the other exemptions granted. Line flying under supervision offers the chance to confirm a flight crew member's cognitive and non-cognitive skills.

g) IR and class and type rating renewal

For the renewal of a class or type rating that is expired for less than 12 months, it could be done, on a case-by-case basis, considering the individual circumstances and granting an exemption (**Regulation (EU) No 1178/2011**) allow an air transport operator (instead of an ATO) to determine the need for and to carry out the refresher training, as foreseen in point **FCL.740** of Part-FCL. Such refresher training can be delivered only to pilots employed by that air transport operator.

For the renewal of an IR, the same criteria should be applied, provided that the IR renewal proficiency check is combined with a proficiency check performed for the renewal of the relevant class or type rating.

h) Instructors and examiners certificates

The validity period of instructor and examiner certificates may be extended, without any additional mitigating measures, for a total time period of up to 12 months, counted from the last regular expiry date (previous exemptions to be taken into account).

8. Assessment of compliance with the applicable essential requirements

The following essential requirements, laid down in **Annex IV of BR**, have to be met when granting an exemption:

- ❖ Demonstration and maintenance of theoretical knowledge.
- ❖ The acquisition and retention of theoretical knowledge must be demonstrated by continuous assessment and checks during training and, where appropriate, by examinations.
- ❖ Demonstration and maintenance of practical skill.
- ❖ An appropriate level of competence in practical skill must be maintained. Compliance must be demonstrated by regular assessments, examinations, tests or checks. The frequency of examinations, tests or checks must be proportionate to the level of risk associated with the activity.
- ❖ When a flight simulation training device (FSTD) is used for training, or for demonstration that practical skill is maintained, this FSTD must meet a given level of performance in those areas, which are relevant to completing the related tasks.
- ❖ Language proficiency has to be possessed.
- ❖ Instruction must be given by appropriately qualified instructors.
- ❖ Examinations must be carried out by an appropriately qualified examiner.
- ❖ Demonstration of medical fitness to satisfactorily execute their functions.

9. Job aid

The purpose of this job aid is to guide the NCA in fulfilling its responsibilities related to the handling of **Article 71 BR** requests and their follow-up, if granted.

In case of doubts, NCAs are welcome to seek EASA's advice through the relevant standardisation team leaders (country portfolio holders).

Step #	Operator	NCA
1 Request from operator	<p>Submit the exemption request, detailing:</p> <ol style="list-style-type: none"> 1. the existence of urgent unforeseeable circumstances or urgent operational needs; 2. the inability to adequately address those circumstances or needs in compliance with the applicable requirements; 3. how safety and compliance with the applicable essential requirements are ensured, through the application of adequate mitigation measures; 4. the exemption scope (including exempted requirements) and duration; 5. references to any previous exemption granted, related to the same scope. 	<p>Verify that the operator submitted all pertinent information and supporting documentation. The assessment of the exemption request should start only when the complete package is received.</p> <p>Note: <i>the BR puts no time limit for the NCA to process the exemption. National administrative procedures may dictate otherwise.</i></p>
2 Assessment of needs	<p>Address NCA's request for clarifications, which could result in the provision of supporting evidence linked to the urgent unforeseeable circumstances, urgent operational needs and the total or partial inability to meet the standard requirements set forth in the implementing rules.</p>	<p>Verify the validity of the operator's needs. The NCA should challenge the need for an exemption. Such verification should determine whether an exemption is justified or not and, if yes, drive its scope and duration.</p>
3 Assessment of mitigating measures	<p>Address NCA's request for clarifications. The proposed mitigating measures should result from the application of the hazard identification and safety risk management process (risk assessment). After mitigation, compliance with essential requirements should be ensured. The risk of cumulative exemptions affecting crew competence should be addressed.</p>	<p>If the needs are justified, verify that the proposed mitigating measures, resulting from the risk assessment, are adequate in terms of pertinence and extent considering the operator's risk profile, the type of operations conducted and the training performed before applying for this exemption, etc.</p>

Step #	Operator	NCA
4 Determination of scope and duration	Address the NCA's request for clarifications, especially for the evaluation of the use of previous exemptions by crew members.	Determine which requirements are affected and to whom and for how long an exemption will apply. Such determination is linked to the assessment of the needs of the individual air transport operator. The NCA should ensure that the exemption is limited, in scope and duration, to the extent strictly necessary and that it is applied in a non-discriminatory manner.
		Duration longer than 8 months (consecutive or repetitive) triggers to apply Article 71(2) BR. Previous "blanket" exemptions should be evaluated to verify the possibility to file an Article 71(1) for the persons or organisations subject to the new exemption (see § 2 and 5(c) of these Guidelines).
5 Mitigation of market distortion		Mitigate any possible distortion of market conditions as a consequence of the granting of the exemption, as far as possible.
6 Granting the exemption	Publish temporary revisions of the applicable parts of the operations manual, detailing scope, applicable persons (if necessary) and duration of the exemption.	Grant the exemption in accordance with relevant administrative procedures.
		Approve relevant temporary amendments of the operations manual.
7 Notification	For the operator, it is irrelevant whether the exemption needs to be processed in accordance with Article 71(1) or Article 71(2) BR .	Upload the exemption in the EASA Flex Tool, as soon as possible, filling in all fields of the relevant form and submitting further documentation as necessary.
		If Article 71(2) BR applies, expect an EASA recommendation to the Commission without undue delay.
8 Verification of effective implementation	Plan and conduct safety and compliance monitoring audits.	Plan and conduct oversight activities on the use of exemption and the performance of the hazard identification and safety risk management process.
	Re-evaluate the safety risk assessment, if assumptions have changed or the verification of effective implementation showed issues.	

INTENTIONALLY LEFT BLANK