



EXEMPTION NUMBER – BCAA/Exemptions/FCL/ 2020 -01

EXEMPTION UNDER ARTICLE 71(1) REGULATION (EU) 2018/1139 IN RESPECT OF NON-COMPLIANCE WITH AN LICENSES 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.025, FCL.055, FCL.060, FCL.140.A, FCL.140.H, FCL.130.S, FCL.140.S, FCL.130.B, FCL.140.B, FCL.220.S, FCL.230.S, FCL.220.B, FCL.230.B, 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 and FCL.1025 of as well as point (1) of Section H of Appendix 3 to Annex I (Part-FCL)
 - points MED.A.045 and MED.D.030 of Annex IV (Part-MED)**Regulation (EU) 2018/395¹**, particularly points BFCL.135, BFCL.160, BFCL.200, BFCL.215 and BFCL.360 of Annex III (Part-BFCL)
Regulation (EU) 2018/1976², particularly points BFCL.135, SFCL.155, SFCL.160, SFCL.205, SFCL.215 and SFCL.360 of Annex III (Part-SFCL)

- 2 **Applicability.**

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 licenses, ratings, privileges, endorsements and certificates issued by Belgian CAA in accordance with Regulation (EU) No 1178/2011, including associated medical certificates, all of the following shall apply:

 - (a) The time 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 period of time is shorter, in the case of validity periods of all of the following:
 - (i) class ratings, type ratings and instrument ratings endorsed in Part-FCL pilot licences the holders of which are not involved in the operation of aircraft representing **those** classes and types within an organisation for which Annex III (Part-ORO) to Regulation (EU) No 965/2012 is applicable³;
 - (ii) mountain ratings;
 - (iii) Part-MED medical certificates
 - (2) until the end of the application of this Exemption, in the case of validity periods or time periods, as applicable, of all of the following:
 - (i) Part-FCL instructor and examiner certificates;
 - (ii) language proficiency endorsements as per point FCL.055 of Part-FCL;
 - (iii) Part-MED aeromedical examiner certificates;

¹ Exemptions to Regulation (EU) 2018/395 are relevant only if Part-BFCL applies.

² Exemptions to Regulation (EU) 2018/1976 are relevant only if Part-SFCL applies.

³ Clarification: Point (a)(1)(i) applies to holders of Part-FCL licences who are involved in CAT operation by third country operators.

- (iv) 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;
- (v) theoretical knowledge examinations for the purpose of license 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;
- (vi) the time periods specified in point FCL.725(c) of Part-FCL with regard to all of the following:
 - (A) the time period between the commencement of the type rating training course and the pass of the skill test;
 - (B) the time period between the pass of the skill test and the application for the issue of the class or type rating;
- (vii) 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);
- (3) in the case of the time period specified in point FCL.025 (b) (2) of Part-FCL, point BFCL.135(c) (2) of Part-BFCL and point SFCL.135(c)(2), that time period is extended by the time period that equals the time period during which an applicant was unable to access theoretical knowledge examinations for the reasons specified in this Exemption (see field "Reasons for granting it").

If, towards the end of the 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 another period of up to 4 months or the end of the application of this Exemption, whichever date comes first.

- (b) For the application of all of the following requirements of Part-FCL, the time period is extended as follows:
 - (1) to the last 300 days, in the case of point FCL.060(a) (balloon pilot recency for commercial air transport and the carriage of passengers);
 - (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);
 - (4) to the last 32 months, in the case of all of the following:
 - (i) points FCL.130.S(c) and FCL.220.S (sailplane launching methods);
 - (ii) points (a) and (b)(1) of point FCL.140.S as well as point FCL.230.S (sailplane pilot recency);
 - (iii) points FCL.130.B(c) and FCL.220.B (recency for tethered balloon flight);
 - (iv) points FCL.140.B and FCL.230.B(a) (balloon pilot recency)
 - (v) point FCL.805(e) (towing rating recency);
 - (vi) point FCL.830(d) (sailplane cloud flying recency).
- (c) For the application of all of the following recency requirements of Part-BFCL, 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).
- (d) For the application of all of the following recency requirements of Part-SFCL, 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).
- (e) In the case of point FCL.060(c)(1), the 120-day period is extended **to 180 days** under the same conditions as specified in that point.⁴
- (f) In the case of point FCL.060(b)(1) and (b)(2) and limited to multi-pilot operations, the 90 day period is extended **to 150 days** as long as the pilot undertakes line flying under the supervision of a flight crew member specifically nominated by the operator and trained for the task (Line Training Captain) or type rating instructor or type rating examiner.
- (g) In the case of point FCL.060(b)(1) and (b)(2) and limited to multi-pilot operations, the 90 day period is extended **to 120 days**.
- (h) In the case of point FCL.060(b)(3)(ii), the 90-day period is extended **to 120 days**.

- 3 **Conditions of exemption.** This exemption is granted subject to the following conditions:
- (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:
- (a) they shall hold a valid relevant rating and, if applicable, a valid language proficiency endorsement;
 - (b) 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.

⁴ Clarification: Point (e) regarding the measures in the context of point FCL.060(c) generally apply to all Part-FCL licence holders, including pilots involved in operation in accordance with Part-ORO.

(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:

(a) it shall be endorsed in the licence of the pilot by one of the following:

- (i) in case of revalidation of SEP or TMG class ratings, an instructor acting in accordance with point FCL.945⁵;
- (ii) an examiner acting in accordance with point FCL.1030;

In case of (i) and (ii) the examiner or the instructor must send a copy of the licence with the new expiry dates to the following email address: bcaa.lic.dir@mobilite.be with subject: "BCAA-Exemptions-FCL-2020 01 - BE.FCL.XXXXXX.X" (BE.FCL.XXXXXX.X must be replaced by the candidate's licence number)

(b) it shall be endorsed by the instructor in an attachment to the licence of the pilot. In this case the document "ATTACHMENT TO PART-FCL LICENCES DELIVERED BY BELGIUM" must be completed.

(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. The new expiry date of the certificate shall be endorsed in the licence or certificate of the pilot by a (senior) examiner acting in accordance with point FCL.1030.

The (senior) examiner must send a copy of the licence with the new expiry dates to the following email address : bcaa.lic.dir@mobilite.be with subject: "BCAA-Exemptions-FCL-2020 01 - BE.FCL.XXXXXX.X" (BE.FCL.XXXXXX.X must be replaced by the candidate's licence number).

(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.

(5) **Holders of licences as per Part-FCL, Part-BFCL and Part-SFCL** benefiting 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 applicable⁶.

(6) **Part-MED medical certificate holders** benefiting from this exemption shall hold a valid medical certificate without limitations, except visual ones.

(7) **Part-MED aero-medical examiner certificate holders** benefiting from this exemption shall hold a valid aero-medical examiner certificate.

⁵ In this case the training flight of 1 hour is not required.

⁶ As proof the instructor shall make an endorsement in the logbook of the candidate.

- (8) Holders of licences as per Part-FCL benefitting from point (g) of this exemption (see field “Summary of the exemption”) shall have a minimum experience of 500 hours on the aircraft type
- (9) Holders of licences as per Part-FCL can only benefit from point (g) of this exemption (see field “Summary of the exemption”) if the **other crewmember** meets the requirements of (b)(1) and has a minimum experience of 250 hours on type.
- 4 **Validity.** This exemption shall have effect from 13/03/2020 until 12/11/2020.
- 5 **Notification.** This exemption is notified to EASA, the European Commission and the member states of the European Union.

Eugeen Van Craeyvelt
Director General a.i.