

CIVIL AVIATION DIRECTORATE

Transport Malta, Malta Transport Centre, Pantar Road, Lija LJA 2021 Malta. Tel:+356 2555 5625 Fax:+356 2123 9278 info.tm@transport.gov.mt www.transport.gov.mt

1.0 INTRODUCTION

This notice provides information related to the current situation and challenges being faced by several operators, organisations and individuals in view of the spread of the Novel Coronavirus COVID-19. Reference is also to be made to the EASA published SIB 2020-02R2 (<https://ad.easa.europa.eu/ad/2020-02R2>) “Coronavirus ‘SARS-CoV-2’ Infections – Operational Recommendations” advising of measures aimed at preventing the propagation of the virus using air transport as a vector and at protecting front-line staff.

Possible difficulties may be encountered as regards access to training and checking either due to the location of the facilities or due to personal circumstances of the aircrew member (e.g. a person originating from a high-risk area).

2.0 FLEXIBILITY PROVISIONS

Organisations and any legal person alike under TM-CAD oversight will be granted the use of the flexibility provisions available by Article 71(1) as detailed below.

2.1 Training with PBE for Initial Attestations for CCTOs

With regards to the use of protective breathing equipment (PBE) which implies the actual donning of oxygen masks and other training requirements having similar provisions (e.g. donning of smoke hoods, decompression exercise in the FSTD, etc.), under the current circumstances linked to the COVID-19 outbreak, it is even more pertinent to implement and adhere to strict hygiene practices that foresee the thorough disinfection of equipment as recommended by the original equipment manufacturer.

As a temporary measure, TM-CAD could in this exceptional circumstance, grant an exemption from the applicable requirements, by permitting the use of other methods including but not limited to, instruction videos, demonstrations or simulations where available. This is to be considered as a temporary exemption and not as an alternative means of compliance. Once the circumstances permit and before the exemption expires, fully compliant training/checking must be completed.

2.2 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**2.2.1 For pilots for operating aeroplanes representing those classes and types within an organisation for which Annex III (Part-ORO) to Regulation (EU) No 965/2012**

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;

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- (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), TM-CAD 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.

2.2.2 For pilots not involved in operation of aircraft representing those classes and types within an organisation for which Annex III (Part-ORO) to Regulation (EU) No 965/2012 is applicable

- (a) 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 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 applicable;
 - (ii) mountain ratings;
 - (iii) Part-MED medical certificates;
 - (2) until the end of the application of this Exemption, in the case of:
 - (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;
 - (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;
 - (v) theoretical knowledge examinations for the purpose of licence issue as per point FCL.025(c)(1) of Part-FCL;
 - (vi) the time period between the commencement of the type rating training course and the pass of the skill test (point FCL.725(c)) of Part-FCL.
 - (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);
 - (3) in the case of the time period specified in point FCL.025(b)(2) of Part-FCL, 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.

If, towards the end of the period specified in point (1), TM-CAD 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.

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- (b) For the application of all of the following recency requirements of Part-FCL, the time period is extended as follows:
- (1) to the last 2 years and 8 months, in the case of point FCL.140.A(a) (LAPL(A) recency);
 - (2) to the last 20 months, in the case of point FCL.140.H (LAPL(H) recency);
 - (3) 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) point FCL.805(e) (towing rating recency);
 - (iv) point FCL.830(d) (sailplane cloud flying recency).
- (c) 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.

2.3 Theoretical Knowledge Courses

In cases where time spent in actual classroom instruction is less than 10 % of the total duration of the course, TM-CAD will consider video-conferencing to be used for the whole course if this is to be conducted during the period of COVID-19 outbreak.

2.4 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;
 - (iii) 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.

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3.0 ACTION BY OPERATORS OR ORGANISATIONS

Any operators or organisations facing any issues as described in point 2 shall contact the Personnel Licensing Unit at the earliest. The organisation shall provide the following documentation in order to satisfy the criteria of the exemption:

1. Official request making clear references to which provisions the request for exemption is being made and for which flight and cabin crew this would apply. E.G a list of crew names, training/checking/ and current expiry dates is necessary.
2. Adequate risk assessments on the training or checking that cannot be conducted on time, clearly indicating mitigating measures that apply in such circumstances (for specific mitigating factors refer to the below in section 4.0).

4.0 BASIS FOR EXEMPTION GRANT

TM-CAD will consider using the flexibility provisions by Article 71(1) of the Basic Regulations. These exemptions will be granted on the following basis:

- (1) be fully justified and not driven by other considerations (e.g. cost saving), particularly when used to extend the validity of checking (e.g. Licence Proficiency Checks)
- (2) not regarded as substituting the training and checking or as an alternative means of compliance. Once the circumstances permit and before the exemption expires, the exempted training and checking must be completed.
- (3) the exemption may be granted provided that the operator or organisation follows the mitigating factors described below and these are considered in the Risk Assessment.
- (4) Operators or organisations may consider the use of non EASA approved simulators and TM CAD may give a one time approval to cover the required checks.

4.1 Mitigating measures for pilots for operating aeroplanes representing those classes and types within an organisation for which Annex III (Part-ORO) to Regulation (EU) No 965/2012 as per Section 2.2.1 above:

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, either by TM-CAD or by an examiner nominated by the operator and acting in accordance with point FCL.1030, as applicable.

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4.2 Mitigating measures for pilots not involved in operation of aircraft representing those classes and types within an organisation for which Annex III (Part-ORO) to Regulation (EU) No 965/2012 is applicable as per Section 2.2.2 above:

Holders of class ratings, type ratings, instrument ratings, mountain ratings or language proficiency endorsements benefiting from point (a) of this exemption shall comply with all of the following:

- (a) they shall hold a valid class or type rating, mountain rating and, if applicable, an instrument rating;
- (b) they shall 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. That briefing shall include class – or type – specific abnormal and emergency procedures, as appropriate.

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 endorsed in the licence of the pilot, either by TMCAD or by an instructor or an examiner, as applicable, acting in accordance with point FCL.1030, as applicable.

4.3 Mitigating measures for Part-FCL instructors and examiners certificate holders as per Section 2.2.1:

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 indicated in one of the following methods:

- (a) it shall be endorsed in the licence of the pilot, either by TM-CAD or a (senior) examiner nominated by the operator and acting in accordance with point FCL.1030, as applicable;
- (b) it shall be endorsed by TM-CAD in an attachment to the instructor or examiner certificate.

4.4 Mitigating measures for Part-FCL instructors and examiners certificate holders as per Section 2.2.2

Part-FCL Instructors and examiner certificate holders benefiting from point (a) of Section 2.2.2 of this 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, either by TM-CAD or a (senior) examiner acting in accordance with point FCL.1030, as applicable.

4.5 Mitigating measures for type ratings time period as per FCL.725

Applicants for a licence, rating or certificate benefiting from point (a)(2)(vii) in Section 2.2.2 of this exemption shall have received additional training, if deemed necessary by the ATO or the DTO, in consultation with TM-CAD.

4.6 Mitigating measures for holders of an LAPL, PPL or SPL

Holders of an LAPL, a PPL or an SPL benefitting from point (b), (c) or (d) in Section 2.2.2 of this Exemption shall have completed at least one flight, including relevant manoeuvres and procedures, under the supervision of an instructor with relevant instructional privileges

4.7 Mitigating measures for Part-MED medical certificate holders:

Part-MED Class 1, 2 or 3 certificate holders benefitting from this exemption shall hold a valid medical certificate without limitations, except visual ones.

4.8 Mitigating measures for Part-MED cabin crew report holders:

Part-MED cabin crew medical report holders benefitting from this exemption shall hold a valid cabin crew medical report without limitations, except visual ones.

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4.9 Mitigating measures for Part-MED and Part-ATCO.MED aero-medical examiner certificate holders:

Part-MED and Part-ATCO.MED aero-medical examiner certificate holders benefiting from this exemption shall hold a valid aero-medical examiner certificate.

4.10 Mitigating measures for ATCO unit endorsements as well as instructor and assessor endorsements:

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.

4.11 Mitigating measures for ATCO language proficiency endorsements:

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

5.0 CONFIRMATION BY AUTHORITY

The organisation or person will be advised by the PEL unit once all the provisions of the exemption will be granted.

Personnel Licensing Unit

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