

RESOLUTION OF THE STATE AVIATION SAFETY AND SECURITY AGENCY (AESA) MANAGEMENT OF 5 MAY 2020, ISSUING AN EXEMPTION, PURSUANT TO ARTICLE 71 OF REGULATION (EU) 2018/1139, TO EXTEND VALIDITY AND OTHER TIME PERIODS, OF LICENSES, RATINGS, PRIVILEGES, CERTIFICATES AND ENDORSEMENTS OF PILOTS, INSTRUCTORS, FLIGHT EXAMINERS AND CABIN CREW MEMBERS IN ORDER TO REDUCE THE NEGATIVE IMPACT ON COMMERCIAL AND GENERAL AVIATION GENERATED BY CORONAVIRUS COVID-19 GLOBAL CRISIS.

The situation created by COVID-19 global crisis entail the imposition of drastic restrictions to travel and to close borders between many countries.

Holders of pilot licences issued according to Part FCL (Annex I) of Commission Regulation (EU) No 1178/2011 of 3 November 2011 laying down technical requirements and administrative procedures related to civil aviation aircrew, who are required to perform their licence proficiency check (LPC) to revalidate the validity period of their class, type and instrument ratings are not able to timely reach or gain access to aircraft or flight simulation training devices (FSTDs) to complete the necessary training and checking. Additionally, these pilots are not able to timely get access to an evaluation for maintaining their language proficiency.

Alike, holders of Light Aircraft Pilot Licence (LAPL), Balloon Pilot Licence (BPL), Sailplane Pilot Licence (SPL), and Mountain and Sailplane Cloud Flying ratings cannot maintain their recent experience to retain their privileges.

In the same situation are the holders of instructor and examiner certificates according to Part FCL, Annex III (Part SFCL) of Commission Implementing Regulation (EU) 2018/1976 of 14 December 2018 laying down detailed rules for the operation of sailplanes as well as for the flight crew licensing for sailplanes pursuant to Regulation (EU) 2018/1139 and Annex III (Part BFCL) Commission Regulation (EU) 2018/395 of 13 March 2018 laying down detailed rules for the operation of balloons as well as for the flight crew licensing for balloons pursuant to Regulation (EU) 2018/1139, requiring a proficiency assessment to validate their instructor or examiner privileges in order to continue to perform their duties.

Holders of an initial certificate of cabin crew member, valid according to requirement of CC.CCA.105 of Annex V (Part CC) of Regulation (EU) 1178/2011, not exercising the privileges of certificate during the previous 60 months, they must renew their certificate if they want to exercise the privileges.

Holders of Part-MED medical certificates who are required to undergo a recurrent medical examination to revalidate their medical certificate to continue to exercise their licence or certificate privileges are not able to timely reach or gain access to an aeromedical examiner (AME) or aeromedical centre (AeMC) to complete the necessary medical examination.

Holders of aeromedical examiner certificates as per Annex IV of Regulation 1178/2011 (Part-MED), who are required to perform medical examinations to LAPL and Class 2 medical certificate holders, in order to revalidate their relevant AME privileges are not able to timely reach or gain access to their competent authorities.

The AESA Resolution of 16 December 2016, establishes the conduct of electronic examinations for theoretical knowledge required to obtain civil aeronautical licenses and ratings for airplane and helicopters. The Resolution of 3 December 2019 establishes the bases for the development

of electronic theoretical knowledge examinations to obtain pilot licenses in glider and balloon categories, all in application of the Regulation (EU) n°1178/2011.

In accordance with the evolution of the coronavirus pandemic situation, the recommendations of the State and Regional Authorities and evaluating the specific situation of AESA, this Directorate issued on 18 March 2020 a Resolution establishing extraordinary measures for the provision of electronic examinations service for theoretical knowledge required to obtain civil aeronautical licenses and ratings, in relation to the status of alarm declared by the Government and the measures adopted by the health Authorities regarding Coronavirus Covid-19 containment.

This resolution complements the one of 18 March, including the rest of the professionals regulated by Regulation (EU) 1178/2011.

After completion of theoretical knowledge examinations, applicants for the issue of a licence or an instrument rating are not able to access training facilities and training aircraft or FSTDs in order continue with practical training within the time periods specified in point FCL.025(c)(1) of Part-FCL.

Applicants for a class or a type rating are not able to access training facilities as well as training aircraft or FSTDs in order to comply with the second subparagraph of paragraph FCL.725(c) of Part-FCL, reason why it is necessary to arbitrate measures that prevent the blocking of the activity.

Based on the foregoing, it is considered necessary to adopt this exemption to reduce the severity and negative impact that alterations and interruptions in the continuity of training and the expiration of ratings and certificates would, otherwise, have on aviation.

By virtue of the foregoing, this Directorate

RESOLVES

First: Object

This resolution, pursuant to Article 71 of Regulation (EU) 2018/1139 of the Parliament and of the Council of 4 July 2018, grants exemptions from the applicable requirements referred to in the second paragraph, provided that the conditions set out in the following sections are met.

Second: Scope

This resolution is applicable to the licenses, ratings and certificates issued by AESA, in relation to the requirements determined below:

a) The requirements of Regulation (EU) No 1178/2011, established in the following paragraphs:

- FCL.025, FCL.055, FCL.060, FCL.140.A, FCL.140.H, FCL.625, FCL.725, FCL.740, FCL.735.A, FCL.735.H, FCL.805, FCL.810, FCL.825, FCL.815, FCL.940 and FCL.1025, as well such as paragraph (1) of Section H of Appendix 3 of Annex I (Part-FCL), paragraph 4 of the Section A IR (A), paragraph 3 of Section A bis IR (A), paragraph 4 of Section B IR (H), and paragraph 4 of Section C IR (As) of Appendix 6 of Annex I (Part FCL).
- CC.CCA.105.
- MED.A.045 and MED.D.030 Annex IV (Part-MED);

b) The requirements established in the following paragraphs of Regulation (EU) 2018/395:

- BFCL.135, BFCL.160, BFCL.200, BFCL.215 and BFCL.360 of Annex III (Part-BFCL).

c) The requirements established in the following paragraphs of Regulation (EU) No 2018/1976:

- SFCL.135, SFCL.155, SFCL.160, SFCL.205, SFCL.215 and SFCL.360 of Annex III (Part-SFCL)

Third: Exemptions within the scope of Regulation (EU) 1178/2011

- a) Extends four months the validity period of the type, class, instrument flight and mountain ratings that were valid on 14 March 2020 and whose ordinary period of validity expired before 31 July 2020, endorsed in the pilots licences issued in accordance with Part FCL, whose holders meet the following conditions:
1. Be holder of class or type rating to operate aircraft of said classes and types that are not included in organizations for which Annex III (Part ORO) of Commission Regulation (EU) N° 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations.
 2. Have a valid language proficiency endorsement.
 3. Have received a briefing given by an instructor with the appropriate privileges, to refresh theoretical knowledge necessary to safely exercise the privileges of the rating in question and to safely carry out the applicable manoeuvres and procedures. This briefing must be carried out prior to the application for the extension and will include the normal, abnormal and emergency procedures specific to the rating.

Once the briefing described in point 3 has been passed, an examiner, acting in accordance with FCL.1030, will endorse the new validity date of the rating or issue an equivalent certificate, in which case, it must compulsorily to accompany the license together with the other documents established in this resolution.

- b) The validity of medical certificates issued according Part MED, not including limitations, except visual limitations (VDL, VNL, VML), is extended by four months, if are valid on 14 March 2020, and whose ordinary period of validity expire before 31 July 2020. The extension of validity will be automatic, without the need to issue a new medical certificate. Those interested must carry the medical certificate together with a copy of this resolution.
- c) The validity of the aeromedical examiner (AME) certificates with privileges to issue class 2, LAPL and CC medical certificates included in paragraph MED.D.030, is extended to the end of the period of applicability of this resolution, if AME certificate is valid on 14 March 2020, and whose ordinary period of validity expired before 31 July 2020.
- d) Extends, during the period of applicability of this resolution, the period of 60 months included in paragraph CC.CCA.105 for those holders of a cabin crew member certificate who have not exercised privileges as a cabin crew member, when the 60-month period ends after 14 March 2020.
- e) The validity of the language proficiency endorsement as in paragraph FCL.055, is extended to the end of the period of applicability of this resolution, if is valid on 14 March 2020, and whose normal period of validity expired before 31 July 2020.
- f) The validity of the instructor and examiner certificates valid on 14 March 2020, and whose normal period of validity expired before 31 July 2020, is extended during the period of applicability of this resolution. If the extension can be made on the license, it will be endorsed by the examiner and if it is issued on an independent certificate, the license holder must submit a request to the authority for the extension of the validity period.
- g) The validity period of time of the recommendations to attend the theoretical knowledge examinations issued by a Declared Training Organization (DTO) or an Approved Training

Organization (ATO) according to paragraph FCL.025(a)(3) of Part FCL, paragraph BFCL.135 (b) (3) of Part BFCL and paragraph SFCL.135 (b) (3) of Part SFCL, is extended during the period of applicability of this resolution.

- h) The validity period of the theoretical knowledge examinations for the issuance of a license according to FCL.025(c)(1) and (c)(2) of Part-FCL, paragraph BFCL.135(d) of part-BFCL and paragraph SFCL.135(d) of Part-SFCL, is extended during the period of applicability of this resolution.
- i) Are extended during the period of applicability of this resolution the periods of time specified in paragraph FCL.725(c) of Part FCL relating to:
 - the time that can elapse between the start of a type or class rating training course and the pass of the skill test
 - the time that can elapse between the pass in the skill test and the application for issuance of the type or class rating.
- j) The periods of time specified in the following paragraphs of Part FCL are extended during the period of applicability of this resolution, provided that the regular period ends in said period:
 - A. paragraph FCL.735.A (b);
 - B. paragraph FCL.735.H (b);
 - C. paragraph (1) of Section H of Appendix 3 to Part-FCL
 - D. paragraph 4 of Section A IR (A), paragraph 3 of Section A bis IR (A), paragraph 4 of Section B IR (H), and paragraph 4 of Section C IR (As) of Appendix 6 of Annex I (Part FCL).
 - E. paragraphs (a) (1) and (b) (2) of paragraph FCL.810;
 - F. paragraph FCL.815 (b);
 - G. paragraph FCL.825 (c);Applicants for the licences, ratings and certificates they benefit of this extension must previously receive additional training as required by a DTO or an ATO.
- k) In the case of periods specified in paragraphs FCL.025(b)(2) of Part FCL, Paragraph BFCL.135(c) (2) of Part BFCL and paragraph SFCL.135(c)(2) of the Part SFCL, will be extended for a period equal to that in which the applicant has not been able to participate in the examinations due to the reasons stated in the preamble of this resolution.
- l) Before the end of the four-month period referred to in (a) and (b), if AESA considers that the reasons for issuing this exemption continue to apply, it may extend the period of validity of the rating or certificate for another 4 months or until the end of the period of validity of this resolution, whichever is earlier.
- m) In relation to the application of the following recent experience requirements of Part FCL, these are extended as indicated below:
 - The time of the last two years established in paragraph FCL.140A(a) extends to the last 2 years and 8 months.
 - The time of the last 12 months indicated in paragraph FCL.140H(a) extends to the last 20 months.
 - It extends to the last 32 months in the following cases:
 - i. paragraph FCL.805 (e)
 - ii. paragraph FCL.830 (d).

All FCL Part license holders who avail themselves of the extensions established in point (m) will have received, prior to resuming the activity, a briefing given by an instructor with privileges to instruct, to refresh the theoretical knowledge necessary to operate safely the aircraft and carry out safely the applicable manoeuvres and procedures. This briefing will include abnormal and

emergency procedures specific to the category, class or type of aircraft, and applicable specific privileges.

The instructor who has given the briefing must issue a certificate indicating that the holder has passed successfully.

- n) In the case of recent experience established in FCL.060 b) and c), the validity may be extended or alleviate the fulfilment of the requirements established in said section, provided that it is carried out in accordance with an exemption issued by the Authority of the air operator. In the case of Spanish air operators that carry out commercial air transportation operations or non-commercial operations with complex powered aircraft, an exemption proposal will be forwarded to the Aircraft Safety Directorate.

Fourth: Exemptions within the scope of Regulation (EU) 2018/395.

- a) Related to application of following recent experience requirements of Part BFCL, these are extended as indicated below:
- 1) to the last 30 months, in all following cases:
 - (i) paragraphs (a)(1)(i), (a)(2) and (f)(1) of paragraph BFCL. 160.
 - (ii) paragraph BFCL.215(d)(2));
 - 2) to the last 56 months, in all the following cases:
 - (i) paragraph BFCL.160 (a)(1)(ii);
 - (ii) paragraph BFCL.200 (d);
 - 3) to the last 300 days, in the case of paragraph BFCL.215 (d) (1)
 - 4) to the last 3 years and 8 months, in the case of paragraph BFCL.360 (a) (1)

All holders of licenses issued according to Part BFCL who avail themselves of the extensions established in paragraph (a) will have received, prior to resuming the activity, a briefing given by an instructor with the adequate privileges of instruction, in which the theoretical knowledge necessary to safely operate the aircraft of the company is refreshed to be dealt with and safely carry out the applicable manoeuvres and procedures. This briefing will include the abnormal and emergency procedures specific to the category, class or type of aircraft and the specific applicable privileges.

Instructor given the briefing must issue a certificate about the holder has passed briefing successfully.

Fifth: Exemptions within the scope of Regulation (EU) 2018/1976.

- a) Related to application of following recent experience requirements of Part SFCL, these are extended as indicated below:
- 1) to the last 2 years and 8 months, in all the following cases:
 - (i) paragraph SFCL.155 (c)
 - (ii) paragraph SFCL.205 (f)
 - (iii) paragraph SFCL.215 (e)
 - 2) to the last 30 months, in the case of paragraphs (a) and (b) of paragraph SFCL. 160
 - 3) to the last 3 years and 8 months, in the case of paragraph SFCL.360 (a) (1)

All holders of licenses issued according to Part SFCL who avail themselves of the extensions established in paragraph (a) will have received, prior to resuming the activity, a briefing given by an instructor with the adequate privileges of instruction, in which the theoretical knowledge necessary to safely operate the aircraft of the company is refreshed to be dealt with and safely carry out the applicable manoeuvres and procedures. This briefing will include the abnormal and emergency procedures specific to the category, class or type of aircraft and the specific applicable privileges.

Instructor given the briefing must issue a certificate about the holder has passed briefing successfully.

Sixth: Efficacy.

This resolution will be applicable retroactively from 14 March 2020, and will remain effective until 14 November 2020, both included. Each one of the measures contemplated in it will be applied within the terms established in the respective sections. Measures and deadlines may be modified by a new Resolution of this Directorate.

Seventh: Publication

This Resolution or any of its modifications must be made public on the AESA website and published in the Boletín Oficial del Estado.

Against this Resolution, which ends the administrative procedure, may be filed a contentious-administrative appeal in the Contentious-administrative Central Courts of Madrid, within a period of two months from the day following the publication of this act, in accordance with the provisions of article 46.1 of Law 29/1998 of 13 July, regulating the Contentious-administrative Jurisdiction or, alternatively, optional appeal for replacement before the Director of AESA, in accordance with the provisions of article 123 of Law 39/2015, of 1 October of the Common Administrative Procedure of Public Administrations, within a period of one month from the day following the publication of this act.

THE DIRECTOR OF THE AIR SAFETY STATE AGENCY

Signed: Isabel Maestre Moreno