

Podaljšanje ratingov in potrdil imetnikov poklicnih licenc izdanih po delu FCL

Revalidation of ratings and certificates for holders of commercial pilot licence issued in accordance with Part-FCL

UVOD

Izbruh COVID-19 in njegova druga faza sta povzročila zapiranje meja, lokalne oblasti so uvedle omejitve, kot so omejeno gibanje oseb, prepoved tesnih socialnih stikov, zahteve lokalnih oblasti, da zagotovijo negativni test COVID-19 v časovnih okvirih in številne druge omejitve. Te vplivajo na operatorje, organizacije in poklicne pilote, ki ne uspejo izpolniti zahtev za podaljšanje ratingov, potrdil inštruktorjev in izpraševalcev, v skladu z ustreznimi zahtevami dela FCL.

Agencija je spomladi 2020 (23.03.2020) odobrila splošne izjeme tako za poklicne pilote kot tudi pilote splošnega letalstva.

Glede na nadaljevanje kriznih razmer je Agencija ugotovila, da razlogi za ponovno uporabo določbe o prožnosti, v skladu s členom 71(2) Uredbe (EU) št. 2018/1139, še obstajajo. Kriza še posebej vpliva na imetnike poklicnih pilotskih licenc (CPL, ATPL, MPL), ki ne morejo dostopati do ustreznih FSTD naprav.

Zato ta izjema določa zahteve, ki jih morajo izpolniti imetniki poklicnih licenc, kadar ne morejo izpolniti pogojev za podaljšanje ratingov ali potrdil.

Drugi primeri, kot so težave s skladnostjo pilotov splošnega letalstva in zdravniških spričeval, se bodo obravnavali individualno in predvsem z dokazovanjem nepredvidljivih in nujnih operativnih okoliščin za odobritev posamezne izjeme.

VELJAVNOST IZJEME

Obdobje veljavnosti te izjeme je traja od dne 24.11.2020 do vključno 23.07.2021.

Obdobje individualne izjeme (vezano na posamezni rating ali potrdilo vlagatelja) sme prvotno trajati največ do dne 31.03.2021 (najprej se podaljša za 4 mesece). Po tem datumu Agencija ponovno prouči obstoj razmer, ki omogočajo ponovno podaljšanje takšne izjeme do konca njene veljavnosti, to je do dne 23.07.2021.

DOLOČBE NA KATERE SE IZJEMA NANAŠA

Uredba (EU) št. 1178/2011, del FCL, in sicer določbe FCL.055, FCL.625, FCL.740, FCL.940 in FCL.1025 za: Rating za razred ali tip, potrdilo inštruktorja in izpraševalca ter zaznamek o veljavnosti angleškega jezika.

PREAMBLE

The COVID-19 outbreak and its second phase has resulted in closing borders, imposing restrictions by local authorities, such as free movement of persons, forbidding close social contacts, requirements of local authorities to provide negative COVID test within the timeframes that are not possible to comply with, and various other restrictions that affect compliance with applicable Part-FCL requirements for revalidation of rating and instructor or examiner certificate.

In March 2020, the Agency approved general exemptions for both commercial pilots and private/recreational pilots and instructors (general aviation pilots).

With regard to the further situation, the Civil Aviation Agency has identified the need to apply for repetitive exemption according to the provisions of the Article 71 (2) of the Regulation (EU) No 2018/1139. In particular, the crisis has the greatest impact on holders of commercial pilot licences (CPL, ATPL, MPL) who are unable to access the relevant FSTDs.

Therefore, this exemption sets out the requirements to be met by commercial licence holders who can not meet the compliance for revalidation of ratings or certificate.

Other cases that affects especially general aviation pilots and medical certificates, will be assessed individually on case-by-case basis and, above all, by proving the unforeseeable circumstances and operational needs for the granting of individual exemption.

DURATION OF EXEMPTION

The duration of exemption of this decision is valid from 24.11.2020 until 23.07.2021.

However, the period of exemption from the applicable requirements for ratings or certificates may not exceed 31.03.2021. After that date, the Agency will re-evaluate the existence of a situation allowing for an extension until the end of the exemption, which is 23.07.2021.

EXEMPTED REQUIREMENTS

Regulation (EU) No 1178/2011, particularly points FCL.055, FCL.625, FCL.740, FCL.940 and FCL.1025 of the Annex I (Part-FCL) for class or type ratings, instructor (TRI/SFI) or examiner certificates and language proficiency endorsements.

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OMEJITVE PRI UPORABI IZJEME

Posamezni vlagatelj lahko uporabi izjemo samo za podaljšanje zgoraj naštetih določb, kar naj skupaj ne presega obdobja:

- 8 mesecev za imetnike ratingov in
- 12 mesecev za imetnike inštruktorjev ali izpraševalcev, ne glede na to, za katero izjemo (jesensko ali spomladansko 2020) je vlagatelj zaprosil.

Datum veljavnosti izjeme se šteje od datuma prvotne veljavnosti ali datuma poteka veljavnosti ratinga ali potrdila, ki je temeljilo na običajnem postopku podaljšanja ali obnove. V vsoti veljavnosti obdobja veljavnosti se šteje tudi obdobje, uporabljeno v času trajanja prejšnje (spomladanske) izjeme (referenca 091-4/2020/456).

Primeri:

Rating je bil veljaven do vključno 31.05.2020 in je bil podaljšan do konca veljavnosti prve izjeme, to je do 23.11.2020 (pri tem je pilot izkoristil 4 + 2, torej skupno 6 mesecev). Pilot lahko sedaj na podlagi nove izjeme izkoristi še 2 meseca, tako je rating lahko podaljšan do 31.01.2021. Obdobje izjeme torej ne sme biti daljše od 8 mesecev.

Podobno velja za inštruktorje in izpraševalce, s tem, da skupno trajanje veljavnosti izjeme na potrdilo ne presega 12 mesecev.

RAZLOGI ZA IZJEMO

Za izjemo lahko zaprosijo imetniki poklicnih licenc, ki morajo za podaljšanje ratinga opraviti preverjanje strokovnosti (LPC) za rating za tip in rating za instrumentalno letenje, ne morejo pravočasno doseči ali dostopati do FSTD naprav, ki omogočilo ustrezno usposabljanje in preverjanje;

Imetniki vpisa o znanju jezika (ELP), ki ne morejo pravočasno opraviti izvedbe ocene za ohranjanje veljavnosti vpisa;

Imetniki potrdil inštruktorjev (TRI/SFI) in izpraševalcev (TRE/SFE), ki morajo opraviti oceno usposobljenosti za podaljšanje potrdila inštruktorja ali izpraševalca, da lahko še naprej izvajajo usposabljanje in preverjanje, kadar ti ne morejo pravočasno doseči ali pridobiti dostopa do FSTD za dokončanje zahtevane ocene usposobljenosti.

Razlogi za izjemo so upravičeni, kadar bi v nasprotnem primeru takšnim imetnikom zaradi zgornjih razlogov potekel (ali jim je potekel) rating, vpis ali potrdilo.

RESTRICTIONS REGARDING USE OF EXEMPTION

Individual applicant shall only benefit for extension period of exempted applicable rules not exceeding, in sum:

- 8 months for holders of ratings and
- 12 months for holders of instructors or examiners, regardless of which exemption (this or previous) was used by applicant.

However the period of exemption of certain applicable rules for ratings or certificate shall not exceed 31.03.2021.

The validity date shall be counted from the original validity or expiry date of the rating or endorsement which was based on normal revalidation or renewal process, and shall not exceed 8 months in total. In the sum of validity period of rating shall count also period used within the duration of previous exemption (reference 091-4/2020/456).

Examples:

Rating has been valid until 31.5.2020 and revalidated based on first exemption until 23.11.2020 (4 + 2 months). Now, rating revalidated on this, second exemption, is valid until 31.01.2021 – cumulatively shall not exceed 8 months.

The same applies for instructors and examiners, provided that the total duration of the exemption per certificate does not exceed 12 months.

REASONS FOR GRANTING EXEMPTION

Holders of Part-FCL commercial pilot licences who are required both to perform their licence proficiency check (LPC) to revalidate the validity period of their type and instrument ratings are not able to timely reach or gain access to flight simulation training devices (FSTD) to complete the necessary training and checking. Additionally, these pilots are not able to timely get access to an examination for maintaining their language proficiency. This would, or have already, resulted in expiry of their ratings and the language proficiency endorsement.

Holders of Part-FCL instructor and examiner certificates who are required to perform an assessment of competence to revalidate their instructor or examiner privileges in order to continue to exercise their training and checking privileges are not able to timely reach or gain access to FSTD to complete the necessary assessment of competence. This would, or have already, resulted in expiry of said certificate.

Abovementioned circumstances therefore justify the exemption from applicable Part-FCL rules.

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KDO JE UPRAVIČEN DO UVELJAVITVE IZJEME?

Piloti, ki zaradi zgoraj navedenih okoliščin ne morejo izpolniti zahtev za podaljšanje veljavnosti ratinga, potrdila ali vpisa o znanju jezika ter so zaposleni ali delajo v organizaciji, ki deluje v skladu s Prilogo III dela ORO k Uredbi (EU) 965/2012.

Ker je izbruh COVID-19 močno prizadel tudi poklicne pilote, ki sicer niso zaposleni in ne delajo za operatorja, za katerega velja del ORO, so ti prav tako vključeni v področje uporabe te izjeme.

KAKO VLOŽITI ZAHTEVO ZA IZJEMO?

Za uporabo te izjeme je potrebna predhodna odobritev Agencije Vlagatelj zaprosi za odobritev izjeme tako, da izpolni:

[Vlogo za podaljšanje veljavnosti ratinga, potrdila ali vpisa o znanju angleškega jezika na podlagi izjeme COVID-19 \(ref. FCL.APL-201\)](#).

Vlogo se pošlje na naslov CAA ali elektronsko na info@caa.si ter hkrati na FCL@caa.si.

Po oceni posameznih dokazov bo odločba o podaljšanju veljavnosti izdana kot priloga k licenci ali pa bo pilotska licenca ponovno izdana.

Vsaka odobrena izjema se ne bo smela obravnavati kot popolno nadomestilo usposabljanja in preverjanja, saj bodo morali operatorji in piloti takoj, ko bodo okoliščine dopuščale, zaključiti usposabljanje in preverjanje skladno z vsemi ustreznimi zahtevami dela FCL.

POGOJI, KI JIH MORAJO IZPOLNJEVATI PILOTI

Imetniki poklicnih licenc, ki so upravičeni do te izjeme, morajo upoštevati in izpolnjevati naslednje:

Veljavnost ratinga

Vlagatelji morajo imeti:

- veljaven rating ali vpis o znanju jezika, ali
- če ustrezen rating ali vpis o znanju jezika ni potekel za več kot en mesec in imetnik ni mogel sprejeti potrebnih ukrepov za podaljšanje veljavnosti privilegijev iz razlogov, ki so navedeni v tej izjemi;

Osvežitveno usposabljanje in ocena kompetentnosti

Opraviti morajo osvežitveno usposabljanje in oceno kompetentnosti na način, ki ga izvaja operator, s čimer se ohrani zahtevana raven znanja za upravljanje ustreznega razreda ali tipa zrakoplova. Ta ocena vključuje najmanj nenormalne postopke in postopke v sili, ki so značilni za ustrezni rating za razred ali tip.

Če oseba trenutno ne dela za operatorja, za katerega velja del ORO, mora pred odobritvijo izjeme prejeti osvežitveno usposabljanje (briefing), ki ga opravi inštruktor z ustreznimi privilegiji. Namen tega briefinga je osvežitev ustreznih pilotskih kompetenc in potrebnih znanj za varno upravljanje ter izvedbe manevrov ustreznega razreda ali tipa zrakoplova.

WHO CAN BENEFIT FROM EXEMPTION?

Pilots who can not meet revalidation requirements due to abovementioned circumstances and are employed or work for organisation that shall comply with Annex III of Part-ORO of the Regulation (EU) 965/2012 can benefit from this exemption.

Additionally, also commercial pilots who are not employed or work for operator for which Part-ORO applies, are profoundly affected by COVID-19 outbreak, and shall also be included in the scope of this exemption.

HOW TO APPLY FOR EXEMPTION?

Use of this exemption requires prior approval from Agency.

Therefore applicant shall apply for exemption by fulfilling [Application for revalidation of rating, endorsement or certificate based on COVID-19 exemption \(ref. FCL.APL-201\)](#).

Application shall be sent to business address of the CAA or electronically to info@caa.si and FCL@caa.si.

After assessment of individual evidence, the decision of revalidation will be issued as attachment to the licence or the licence will be reissued.

Any exemption granted will not be considered as a full substitute for training and checking, as operators and pilots will have to complete training and checking in accordance with all relevant FCL requirements as soon as circumstances permit.

REQUIREMENTS FOR USE OF EXEMPTION

Part-FCL licence holders benefiting from this exemption shall comply with all of the following:

Rating validity

Applicants shall hold:

- a valid rating or endorsement, or
- the relevant rating or endorsement has not been expired for a period exceeding one month, and the holder has not been able to take the necessary measures to extend the validity for the reasons listed in this exemption.

Refresher training and assessment

Applicants shall have received [refresher training](#), followed by the completion of an assessment by means established by the operator or organization to determine that the required level of knowledge to operate the applicable class or type is maintained. That assessment shall include as minimum class or type specific abnormal and emergency procedures.

If the person is not currently working for an operator, to whom Part-ORO applies, 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.

Ta briefing vključuje najmanj neobičajne postopke in postopke v sili, ki so značilni za ustrezní rating za razred ali tip, kot je ustrezno.

Po opravljenem briefingu mora inštruktor podati oceno kompetentnosti in predlog za podaljšanje ratinga na podlagi izjeme.

UPRAVIČENOST RAZLOGOV

Zaradi različnih situacij in razmer v posameznih državah so razlogi za obnovo ali podaljšanje ratingov ali potrdil različni od primera do primera, zato se bodo pri upoštevanju razlogov za podaljšanje oziroma obnovo upoštevali vsaj naslednji kriteriji oziroma dejavniki:

- Odreditev omejitve gibanja in/ali omejitve potovanj, ki onemogočajo dostop do ustreznih objektov in naprav (npr. FSTD/STD, učilnice itd.);
- Ureditev socialne distance oziroma zahtevana telesna razdalja, ki onemogočajo izvedbo preverjanja v zrakoplovu ali FSTD napravi;
- Higijenski ukrepi, ki preprečujejo uporabo infrastrukture za uporabo FSTD/STD naprav ali zrakoplovov;
- Nedostopnost izpraševalcev, inštruktorjev ali infrastrukture, ki so posledica zgoraj navedenih točk in zaradi posledic pri zasedenosti osebja ali FSTD naprav, zaradi zaostankov in organizacijskih problemov, ki so nastali kot posledica COVID-19 krize.

V tem primeru, bo moral kandidat za podaljšanje ratinga dokazati, da so takšne okoliščine res obstajale.

V primeru, ko je edina oteževalna okoliščina obvezna karantena po prihodu v matično državo (npr. potreba po potovanju v / iz objekta) ta avtomatsko še ne upravičuje izjeme.

V vsakem posameznem primeru se bodo ocenjevale okoliščine, kot so nujnost, operativna potreba in višja sila.

After briefing, instructor shall assess competency of candidate and make a statement for revalidation of rating based on exemption.

That briefing shall include class or type specific abnormal and emergency procedures, as appropriate.

JUSTIFICATION OF EXEMPTION

Due to the different situations in relation to individual countries, the reasons for revalidation or renewing ratings or certificates vary from case to case, and the following reasons will be taken into account when evaluating reasons for granting individual exemption:

- Free movement restrictions and / or a travel restriction that prevents access to relevant facilities (eg FSTD / STD, classrooms, etc.);
- Existing social distance arrangements or required body distances that make it impossible to perform proficiency check or assessment of competence;
- Hygiene measures that prevent the use of infrastructure for the use of FSTDs / STDs or aircraft;
- Unavailability of examiners, instructors or infrastructure as a result of the above points in line with the consequences of booked FSTD caused by organizational problems resulting from the COVID-19 crisis.

In this case, the candidate shall, for the revalidation or renewal of the rating or certificate prove that such barriers and situations beyond persons control exists or existed.

However, the sole obligation of quarantine (e.g. in case of the need to travel to/from a training facility) does not automatically justify an exemption.

In any case, circumstances as urgency, operational need and force majeure will be evaluated in every individual case.

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POVZETEK

Izjema velja za poklicne pilote, ki ne morejo izpolniti pogojev za podaljšanje ratingov, potrdil ali vpisa znanja jezika zaradi krize koronavirusa.

Vlagatelji morajo dokazati obstoj okoliščin, ki onemogočajo normalno podaljšanje privilegija.

Izjema velja za veljavne ratinga in za ratinge, ki so potekli za manj kot 1 mesecev od dneva vložitve zahteve za podaljšanje.

Kumulativno obdobje odstopanja od zahtev za rating ne sme presegati 8 mesecev za ratinge oziroma 12 mesecev za inštruktorje ali izpraševalce.

SUMMARY

Exemption applies to commercial pilots who are unable to meet revalidation requirements for revalidation / renewal of ratings, certificates or endorsement due to a coronavirus crisis.

Applicants must prove the existence of circumstances that prevent(-ed) the normal revalidation / renewal of the privilege.

Exemption applies for valid ratings and expired for which validity lapsed less than 1 month from the date of the application.

The cumulative period of exempted requirements shall not exceed 8 months for ratings or 12 for instructors / examiners.