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Case handler: Hege Aalstad
Direct dial: +47 98261680
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ATO - Exemption under article 14(4) of Basic Regulation (EC) No 216/2008

1. Summary

By this decision, Norwegian ATO (Approved Training Organisations), under certain conditions, may appoint nominated personnel and implement such changes, without obtaining prior approval from CAA Norway (Luffartstilsynet).

2. Regulations and exempted requirements

Regulation 26 February 2013 no. 219 (BSL A 3-1 - "EASA forskriften") incorporates Basic Regulation (EC) No 216/2008, which contains flexibility provisions in Article 14 (4) in the event of unforeseen circumstances or operational needs of a limited duration, provided that the level of safety is not adversely affected.

This decision relates to:

Regulation (EU) No 1178/2011, particularly point ORA.GEN.130(b), cf. ORA.ATO.110, ORA.ATO.210 and ORA.GEN.200.

3. Summary of the exemption

Subject to fulfilling the applicable mitigating conditions as specified in this exemption, all of the following shall apply:

An ATO may appoint nominated personnel and implement such changes, without obtaining prior approval from CAA Norway. This decision relates to the following nominated personnel: AM, SM, CMM, HT, CFI and CTKI.

4. Justification

The exemption is granted on the basis of Basic Regulation 216/2008 Article 14 (4) in connection to the unforeseen circumstances and operational needs following the Covid-19 situation which has resulted in a situation where nominated personnel have been diagnosed with Covid-19 and/or from other reasons are being quarantined in accordance with national quarantine regulations.

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5. Conditions and mitigating measures

The exemption shall have effect from 25 March 2020 until 31 July 2020, or until the expiry established by the conditions below, unless the exemption is revoked by CAA Norway.

The following conditions and mitigating measures shall apply in order to ensure safety:

- A. All changes in the management must be handled in accordance with the approved procedure for changes not requiring prior approval, cf. ORA.GEN.130(c).
- B. The appointed personnel must have the experience and qualities necessary to ensure the maintenance of high standards, as well as the qualifications as defined in ORA.GEN.200, ORA.ATO.110 and ORA.ATO.210.
- C. For other personnel than those defined in ORA.ATO.210, any appointment in less than 50% employment, must be based on an assessment by the ATO taking into account the level of operations at present.
- D. If an ATO no longer have the required personnel in accordance to regulation (EU) No 1178/2011 as amended, the ATO can no longer maintain operations and must temporarily suspend all activities. CAA Norway must immediately be notified. If the suspension period last longer than the said exemption period, the ATO must surrender the certificate.

This decision has been notified to EASA and the EFTA Surveillance Authority (ESA), which shall evaluate the exception in accordance with the provision of Article 14 (5) of Regulation 216/2008. In case these authorities find that the exception does not comply with the common European rules for civil aviation, CAA Norway may amend or revoke this exemption. This exemption is therefore issued subject to such conditions.

6. Right to appeal

Operators have the right to appeal this decision to the Ministry of Transport. An appeal must be sent to CAA-Norway within three weeks from the publication of this decision. You can read more here: <https://luftfartstilsynet.no/om-oss/saksbehandling/> You may also contact CAA-Norway for further information.

Yours sincerely

Wenche Olsen
Department Director

Erik Hammer
Head of Section

This document has been electronically validated, thus eliminating the need for a physical signature.