

Publiseres på Luffartstilsynets internettside

Case handler: Sissel W. Strandås
Direct dial: +47 99778755
Our date: 28.04.2020
Our reference: 20/07960-8

Your date
Your reference:

Designation for known suppliers for in-flight supplies - Exemption from legal requirements for expiration of licenses and certificates due to the outbreak of COVID-19

1. Summary

Due to the outbreak of Covid-19 there is an inability to comply with certain provisions of national or EEA legislation. Renewals or other steps necessary during the lifetime of a license or certificate have become impossible or very difficult for different reasons.

In this case, Regulated suppliers cannot do a re-designation of known-suppliers for in-flight supplies since on-site visits cannot take place. This decision applies to the Regulated suppliers to have the permit to extend the period for designation given to a known-suppliers for in-flight supplies that expires within the following 3 months.

2. Regulations and exempted requirements

Regulation 1 March 2014 No 214 (BSL-SEC – “securityforskriften”) incorporates Regulation (EU) No 2015/1998 which contains provision 8.1.4 and in particular 8.1.4.5 (a) regarding the requirement for an on-site visit of the supplier every 2 year.

Securityforskriften contains flexibility provisions in § 53 where it is stated that if special reasons so indicate, and where the security of aviation is taken into account, the Civil Aviation Authority may grant exemption from the provisions of this regulation. (*“Når særlige grunner tilsier det og hensynet til sikkerheten i luftfarten ivaretas, kan Luffartstilsynet gi dispensasjon fra bestemmelsene i denne forskrift»*).

To address the exceptional situation it is necessary to act in order to ensure continuity of transport under the present unforeseen and extraordinary circumstances. Any decision must be limited to what is necessary in view of the current crisis, both in substance and in time. The level of security must not be adversely affected.

This decision relates to

Regulation (EU) 2015/1998, particularly point 8.1.4.5 (a).

Luffartstilsynet / Civil Aviation Authority

T: +47 75 58 50 00
F: +47 75 58 50 05
E: postmottak@caa.no

Postal address:
Postboks 243
8001 BODØ

Office address:
Sjøgata 45-47
8006 BODØ

Billing address:
fakturamottak@caa.no

Fakturamottak DFØ
Postboks 4104
2307 HAMAR

3. Summary of the exemption

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

- The re-designation of known-suppliers for in-flight supplies that given from Regulated Suppliers and expires within the following 3 months is extended for 3 months until 31 July 2020.

Conditions given from the designating entity in the initial approval for the supplier still applies. The supplier is obliged to maintain their internal quality controls as defined in their security program.

4. Justification

The exemption is granted on the basis of "securityforskriften" § 53 in connection to the unforeseen circumstances and operational needs following the Covid-19 situation. The designation of Known suppliers for in-flight supplies is carried out by the Regulated Suppliers for in-flight supplies. Health authorities do not recommend visits. It is also been taken into consideration that there is very limited air traffic during the period of the pandemic.

As a result of the aforementioned unforeseen circumstances, it is needed to apply this exemption for the extension of the approval date for the initial designation of Know Suppliers for in-flight supplies given by the Regulated Suppliers for 3 months. To address the exceptional situation it is necessary to act in order to ensure continuity of transport under the present unforeseen and extraordinary circumstances. The decision is limited in time to what is strictly necessary in view of the current crisis. The level of security is not affected.

5. Conditions and mitigating measures

1. The exemption shall have effect from 29 April 2020 until 31 July 2020, unless the exemption is revoked by CAA Norway or the approval is surrendered by the known supplier. The exemption may be further extended for a period of up to 3 months.
2. The following conditions and mitigating measures shall apply in order to ensure security:
 - Obligation to comply with the requirements given in the provisions of the national and EU security legislation.
 - Comply with the requirements stated in the entity's internal security program.
3. This decision has been notified to the Commission and the EFTA Surveillance Authority (ESA). ESA will evaluate the decision in accordance with applicable EEA regulations. In case these authorities find that the decision 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.

Right to appeal

You have the right to appeal this decision to the Ministry of Transport. An appeal must be sent to CAA Norway within three weeks from receipt of this decision. You can read more here:

<https://luftfartstilsynet.no/om-oss/saksbehandling/>

Our date
28.04.2020

Our reference
20/07960-8

You may also contact CAA Norway for further information.

Yours sincerely

Wenche Olsen
Director Professional Competence
Professional Competence

Jørgen Ingebrigtsen
Head of Security Section

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