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Our reference: 20/07960-26

Norge

Your date
Your reference:

Exemption from legal requirements for expiration of Licenses and certificates due to the outbreak of COVID-19 – Extension

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.

CAA-Norway granted an exemption, our file ref. 20/07960-20 under Regulation (EU) 2015/1998, point 11.4.1(a) and Norwegian Regulation BSL-SEC § 53 on 15th of May 2020 on specified conditions.

The periods defined to determine the minimum recurrent training requirements for persons operating x-ray and EDS equipment in Commission implementing Regulation (EU) 2015/1998 point 11.4.1(a) cannot be carried out. The decision applies to all persons operating x-ray and EDS equipment.

CAA-Norway has found the need to grant an extended exemption on the same conditions.

2. Regulations and exempted requirements

Regulation 1 March 2014 No 214 (BSL-SEC – “securityforskriften”) incorporates Regulation (EU) No 2015/1998 which contains provision 11.4.1(a) regarding the periods defined to determine the minimum recurrent training requirements for persons operating x-ray and EDS equipment.

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»*).

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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 11.4.1(a).

3. Summary of the exemption

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

- The minimum period for recurrent training requirements for persons operating x-ray and EDS equipment in Commission Implementing Regulation (EU) 2015/1998 point 11.4.1(a) will be granted an extension of the validation expiry date given in the decision issued 15th of May 2020. The exemption will be granted for additional three months, until 15th November 2020.

Conditions in the initial approval or certification for persons operating x-ray and EDS equipment in Commission implementing Regulation (EU) 2015/1998 point 11.4.1(a) still applies.

4. Justification

The extended exemption is granted on the basis of “securityforskriften” § 53 in connection to the unforeseen circumstances and operational needs following the Covid-19 situation. The aviation security company NOKAS still has all instructors absent from work due to layoff of security staff. Further there is no instructions taking place due to the Covid-19 pandemic. For other companies there are for the time being still differentiations in the ability to carry out recurrent training. 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 grant an extended exemption for additional 3 months of the validation expiry date for the approval and certifications of persons performing tasks as mentioned in point 3 above. 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 8 July 2020 until 15 November 2020, and shall supersede the decision dated 15 May 2020. The decision shall have effect unless the exemption is revoked by CAA Norway or the approval is surrendered by the certified instructor.

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.

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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://luffartstilsynet.no/om-oss/saksbehandling/>.

You may also contact CAA Norway for further information.

Yours sincerely

Tove Skogheim
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Professional Competence

Jørgen Ingebrigtsen
Head of Security Section

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