

Holders of aero medical examiners (AME) certificates

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Our reference: 20/06279-2

Revalidation of medical certificates based on verbal communication with the AME - Exemption from MED.A.040 and ATCO.MED.A.040 under Article 14(4) of Basic Regulation 216/2008

Summary

The Norwegian Civil Aviation Authorities grant an exemption from Commission Regulation (EU) No 1178/2011 Annex IV (Part-MED) MED.A.040 and Commission Regulation (EU) No 2015/340 Annex IV (Part- ATCO.MED) ATCO.MED.A.040, so that medical certificates for pilots or air traffic controllers may be revalidated by the AME based on verbal communication (e.g. by phone) with the applicant, without the need for physical examinations and under given conditions.

This exemption applies to holders of valid AME-certificates.

Background

The Norwegian government has decided to implement precautionary measures in order to prevent more effectively the spread of COVID-19 in Norway. Restrictions include minimizing unnecessary contact between people. Persons who have been in close contact with a patient diagnosed with the virus must be in home quarantine for 14 days, and most people who develop symptoms of respiratory infection must be isolated for a period.

Because of these measures, both aeromedical examiners (AME) and a significant number of pilots and air traffic controllers may suddenly be quarantined or isolated. This can have a significant effect on the efficiency of civil aviation. Furthermore, in order to prevent unnecessary spread of the virus, the AMEs should not be in physical contact with the applicant of medical certificates unless when this is strictly necessary to ensure flight safety. It is also important to safeguard healthcare personnel and ensure optimal healthcare capacity as the number of infected people will rise and challenge the available resources of health care personnel. Most aeromedical examiners (AME) are physicians who also work clinically in various specialties.

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.

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This decision relates to Commission Regulation (EU) No 1178/2011 Annex IV (Part-MED) MED.A.040 and Commission Regulation (EU) No 2015/340 Annex IV (Part- ATCO.MED) ATCO.MED.A.040.

Justification

1. The need to issue an exemption:

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.

According to Commission Regulation (EU) No 1178/2011 Annex IV (Part-MED) MED.A.040 and Commission Regulation (EU) No 2015/340 Annex IV (Part- ATCO.MED) ATCO.MED.A.040, a medical certificate for pilots and air traffic controllers shall only be issued, revalidated or renewed once the aeromedical examinations and assessments, as applicable, have been completed and the applicant has been assessed as fit.

The exemption consist of the possibility for aeromedical examiners (AMEs) to revalidate the valid medical certificate for pilots and air traffic controllers based on verbal communication with the applicant and without the need for physical examinations, provided that the AME still obtains the full medical history and assess that a medical examination is not needed in order to ensure flight safety. This exemption also applies to assessment of medical certificates with limitations.

The validity of the revalidation shall be no longer than 4 months, and the date of issuance must be before 31st of July 2020. The limited period of validity of the medical certificate shall be clearly communicated to the holder. A TML shall be imposed and the applicable validity dates shall be adjusted accordingly in the certificate. If the AME assess that flight safety can only be ensured by conducting a physical examination, the certificate shall not be revalidated before this is done.

The exemption is necessary to ensure compliance with the measures for minimizing contact between people, optimizing the availability of pilots and air traffic controllers and to ensure optimal health care personnel capacity.

2. Evidence that safety is not adversely affected:

Most conditions that result in a decrease in medical fitness involve symptoms or signs that the medical certificate holder is aware of and that may be assessed by the AME based on the medical history (anamnesis). Only in rare circumstances, the medical condition is revealed by the physical examination alone and without any clues revealed by the medical history.

According to MED.A.020 and ATCO.MED.A.020 the holders of medical certificates are still obliged to not exercise the privileges if they after revalidation of the certificate become aware of any decrease in medical fitness that might render them unable to safely exercise those privileges.

Due to the COVID-19 situation, a high number of flights have been cancelled. Due to this, the Civil Aviation Authorities also expect the risk or number of accidents and incidents to be lower.

Conditions/Limitations

The exemption shall have effect from 19th of March 2020 until midnight 31 July 2020, unless revoked by CAA Norway or surrendered.

Enclosed Exemption must meet the following requirements:

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1. The revalidation of the medical certificate has a limited validity of up to 4 months from the expiry date.
2. The TML limitation and other applicable limitations must be imposed on the medical certificate, and the validity date shall be adjusted accordingly. The limited period of validity of the medical certificate shall be clearly communicated to the holder. All other applicable limitations shall also be continued.
3. The licensing and competent authority is the Norwegian Civil Aviation Authority.
4. The AME has obtained the full medical history and assessed that a medical examination is not needed in order to ensure flight safety.
5. The date of revalidation must be before 31st of July 2020.

This exception has been notified to EASA and the EFTA Surveillance Authority (ESA), which shall evaluate the exception in accordance with the provision of Article 14 of Regulation 216/2008 (5). 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.

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/> You may also contact CAA-Norway for further information.

Yours sincerely

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