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0 Revisions

<i>Rev. No.</i>	<i>Date</i>	<i>Revisions/Changes</i>
Rev. 0	30.04.2020	Initial issue
Rev. 1	04.06.2020	Addition of information to the notes for cases where the authorities of the licensing and the operating state are not identical
Rev. 2	16.07.2020	Adaptation of item 4. 2. due to EASA requirements

1 Objective

This Operational Notice (BTH), based on § 20h AOCV 2008 (BGBl. II Nr. 254/2008 as amended), establishes exceptions due to the COVID-19 pandemic with reference to Article 71 para 1 of Regulation (EU) 2018/1139 in connection with recent experience in accordance with FCL.060 of Regulation (EU) No 1178/2011 as amended in conjunction with ORO.FC.100 (c) of Regulation (EU) No 965/2012 as amended.

2 Scope of application

This BTH applies to operators and their flight crew members covered by the scope of Annex III (Part-ORO) and Annex IV (Part-CAT) to Regulation (EU) No 965/2012 as amended.

3 Entry into force

This BTH shall enter into force on 30 April 2020 and shall apply up to and including 29 December 2020.

Revision 1 is applicable from 4 June 2020.

Revision 2 is applicable from 17 July 2020.

4 Description

As a result of the unforeseen circumstances in the context of combating the spread of coronavirus (COVID-19), temporary regulatory measures need to be taken in order to ensure continuation of operations for the operators concerned and their flight crew members without compromising aviation safety.

Austro Control GmbH does not see any immediate threat to aviation safety through the temporary application of the exemptions described in this section.

The facilitations described below may only be applied if this is required due to urgent operational needs in the context of combating the spread of coronavirus (COVID-19).

Operators covered by the scope of this BTH may deviate from the arrangements for maintaining recent experience specified in FCL.060 (b) and FCL.060 (c) of Regulation (EU) No 1178/2011, as amended, taking into account the following conditions:

1. The extension of the period under FCL.060 (c) (1) from 90 to 120 days may also be made under the supervision of flight crew members designated by the operator concerned to conduct line flying under supervision in accordance with ORO.FC.220 (d) (2) (such as line training captains).
2. For flight crew members operating on an aircraft of the same type or class
 - a. holding a TRI authorisation, or
 - b. having been designated by the operator to perform line flying under supervision in accordance with ORO.FC.220 (d) (2) (such as line training captains), it shall be sufficient to have completed at least two take-offs and two landings within the last 90 days.
3. Co-pilots qualified for cruise relief (cruise relief co-pilots) shall complete at least 1 en-route segment as cruise relief co-pilot in an aircraft of the same type or class within the last 150 days.

However, the waiver may only be applied provided that the other pilot

- a. is not considered inexperienced according to AMC1 ORO.FC.200 (a) (a), and
 - b. meets the requirements for recent experience.
4. The application of the facilitations mentioned in points 1, 2 and 3 is only permissible if the result of a risk analysis to be carried out by the respective operator, taking into account any mitigation measures to be specified, does not contradict this. The risk analysis shall consider, among other things, the following:
 - a. any cumulative effects arising from the application of additional COVID-19 related waivers, and
 - b. crew composition / pairing pilots, and
 - c. the possible incapacitation of the most experienced pilot in terms of FCL.060.

5. The operator

- a. shall, without being requested to do so, notify the competent authority in writing of the specified deviating procedures and the related risk analysis prior to their application and
- b. shall not apply the deviating procedures until they have been accepted by the authority.
(Note: In case of non-acceptance, the authority will issue a decision).

6. Should option FCL.060 (c)(2) be applied to complete the required number of take-offs and landings in a flight simulation training device, the operator may apply the following facilitations:

Flight simulation training devices, that

- a. are qualified in a third country according to specifications comparable to the relevant European applicable standards, or
- b. do not meet the requirements of a Full Flight Simulator (FFS) qualification but have a type-specific cockpit layout and structure, a flight data model (type-specific flight deck layout and structure), a flight model, handling characteristics, flight controls and forces, which, during take-offs and landings, precludes a negative transfer of training

can be used, provided that

- a. the planned use is notified to the competent authority in advance, together with all relevant documentation and a corresponding operator-specific risk analysis, and
- b. the actual use of these flight simulation training devices will only take place after they have been accepted by the authority. (Note: In case of non-acceptance, the authority will issue a decision).

5 Assessment

The exemptions from the respective provisions of Regulations (EU) No 1178/2011 and (EU) No 965/2012 pursuant to Article 71(1) of Regulation (EU) 2018/1139, on which this BTH is based, were issued by Austro Control GmbH after careful evaluation in order to take account of operational needs in connection with combating the spread of the coronavirus (COVID-19). Austro Control GmbH has not identified any immediate threat to aviation safety as a result of the temporary application of the derogations described in this BTH.

The BTH in question is also essentially based on the guidelines provided by the European Union Aviation Safety Agency (EASA) to the authorities of the Member States ("Guidelines for handling exemptions to flight crew recent experience requirements commercial air transport operations in accordance with ORO.FC.100 Annex III to Regulation (EU) No 965/2012 and FCL.060 Annex I to Regulation (EU) No 1178/2011 under Article 71(1) of Regulation (EU) 2018/1139").

6 Notes

EASA shall be notified of the exemption in accordance with Article 71(1) of Regulation (EU) 2018/1139.

Since the exemption in question relates to Austrian operators, its validity extends to all holders of a Part-FCL license operating there, even if that license was not issued by Austro Control GmbH. In this case, however, it is recommended to obtain the prior approval of the competent licensing authority with regard to the exemption granted by this BTH.

Conversely, Austro Control GmbH, as the competent licensing authority, hereby grants that in cases where holders of a Part-FCL license issued by Austro Control GmbH are affected by an exemption of an operator of another Member State, such license holders shall be covered by the FCL.060 exemption of another Member State.