


Irish Aviation Authority The Times Building 11–12 D’Olier Street Dublin 2, Ireland www.iaa.ie	Údarás Eitlíochta na hÉireann Foirgneamh na hAmanna 11–12 Sráid D’Olier Baile Átha Cliath 2, Éire	AERONAUTICAL NOTICE	
Safety Regulation Division	Rannán na Rialachán Sábháilteachta	No. T.16 ISSUE I DATE 02.04.20	

COVID-19 – Temporary Exemptions from Implementing Rules of Regulation (EU) No 139/2014 and S.I. No. 355 of 2008

Due to the ongoing impact of COVID-19 on the ability of aviation personnel to travel both within the state and externally, combined with the national advice to implement social distancing, regulated entities are experiencing difficulties ensuring ongoing compliance with certain regulatory requirements. The Irish Aviation Authority pursuant to article 71(1) of Regulation (EU) No. 2018/1139 and S.I. No. 355 of 2008 Sec 23 (1), may provide an exemption from compliance with certain aspects of Regulation (EU) No 139/2014 and S.I. 355 of 2008, as amended, including management, training and maintenance.

The Irish Aviation Authority’s Safety Regulation Division, will process exemptions to Aerodrome Operators from the requirements applicable to an Aerodrome in accordance with the process outlined in the appendix where all of the following conditions have been met:

- (i) It is not possible to adequately address those circumstances or needs in compliance with the applicable requirements (for example if it is not possible to train or facilitate training with a requirement to travel or where social / physical distancing is necessary);
- (ii) Safety, environmental protection and compliance with the applicable essential requirements are ensured, where necessary through the application of mitigation measures;
- (iii) There is no possible distortion of market conditions as a consequence of the granting of the exemption as far as possible. It is accepted that due to the exceptional circumstances, and given its potentially limited duration, the exemption does not have a distorting effect on the market conditions; and
- (iv) The exemption is limited in scope and duration to the extent strictly necessary and it is applied in a non-discriminatory manner. Any temporary exemption granted by the Competent Authority shall be for a period not longer than four (4) months from the date of acceptance of any application for the temporary exemption.

Aerodrome Operators should ensure training or assessment, as appropriate, is provided at the first available opportunity after the conditions for temporary exemptions have ended, but no later than 31st August 2020.

Note:

In the case of Nationally Licensed Public Aerodromes, any temporary exemptions will be from the requirements of Irish Aviation Authority’s Aerodrome Licensing Memoranda 002 (IAA ALM002 January 2014) or ALM003 (February 2014), as appropriate and all other requirements specified in the ALM or the licence conditions shall remain applicable in full.

**Chief Executive
Irish Aviation Authority**

APPENDIX I – Process applicable to T.16

1. TEMPORARY EXEMPTIONS

In the case of an Aerodrome certificated under EU Regulation No. 139/2014 and Nationally Licensed Public Aerodromes¹ in the Republic of Ireland, it is now possible to apply for a temporary exemption from selected applicable Implementing Rules (IR) and Delegated Acts (DA) of Regulation (EU) No 139/2014.

2. REQUIREMENTS TO AVAIL OF A TEMPORARY EXEMPTION

In order to submit an application for a temporary exemption, the Aerodrome Operator must complete all sections of Appendix II to this document, any omissions or errors will result in the application being returned to the Aerodrome Operator with resultant delays to the acceptance process.

The following shall be required to support any application for a temporary exemption:

- (i) Completed Appendix II to this document for each individual IR for which an exemption is sought;
- (ii) Appropriate Risk Assessment and mitigating measures, as per the Aerodrome Operator's SMS;
- (iii) Evidence of the inability of the aerodrome operator to achieve compliance with requirements e.g. email / other documented correspondence confirming the unavailability of training programmes, inability of specialist third party contractors to travel due to international travel restrictions, inability to conduct internal training programmes due to social distancing requirements etc.;

Evidence of consideration of other means of demonstrating compliance, these having proved insufficient prior to the consideration of application for a temporary exemption;

- (iv) Evidence of ongoing oversight by the Aerodrome Operator, including evidence that the exempted IR or ALM requirement and the associated Aerodrome procedures and/or processes are prioritised in the Aerodrome Compliance Monitoring Programme for the duration of the Temporary Exemption.


The Competent Authority will review aerodrome compliance monitoring processes and outputs in this regard as part of the ongoing oversight programme.

¹ In the case of Nationally Licensed Public Aerodromes, any temporary exemptions will be from the requirements of Irish Aviation Authority's Aerodrome Licensing Memoranda 002 (IAA ALM002 January 2014) or ALM003 (February 2014), as appropriate and all other requirements specified in the ALM or the licence conditions shall remain applicable in full.

APPENDIX II

AERODROME NAME	
AERODROME CERTIFICATE/LICENCE NUMBER	
EXEMPTED REQUIREMENT - APPLICABLE IR (Reference applicable AMC and / or GM) OR - ALM Requirement <i>Complete one copy of this Appendix II for each exemption</i>	
WRITTEN SUMMARY OF THE REQUIREMENTS FOR TEMPORARY EXEMPTION <i>Include a summary of requirements for each applicable IR (Reference applicable AMC and / or GM) or ALM Requirement as listed above</i>	

<p>WRITTEN SUMMARY OF MITIGATING MEASURES</p> <p><i>Include a summary of mitigation measures for each applicable IR (Reference applicable AMC and / or GM) or ALM Requirement as listed above</i></p>	
<p>ACCOUNTABLE MANAGER</p>	<p>PRINT NAME _____</p> <p>SIGNATURE _____</p>
<p>DATE</p>	

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NOTES:

- 1) Aerodrome Operators are requested to consider all potential compliance issues within their operations which may require a temporary exemption, particular emphasis should be placed upon IRs related to training, maintenance and infrastructure. The following IRs are suggested for prioritisation by Aerodrome Operators. This list is neither intended to be instructive nor exhaustive:
 - ADR.OR.D.017 Training and proficiency check programmes e.g. RFFS and Airside Ops Training (Initial, Recurrent & Refresher)
 - ADR.OPS.B.010 Rescue and firefighting services e.g. RFFS Foam Production Performance Testing / RFFS Media Maintenance and Testing
 - ADR.OPS.B.015 Monitoring and inspection of movement area and related facilities e.g. AGL (MALMS) Testing
 - ADR.OPS.B.025 Operation of vehicles
 - ADR.OPS.C.005 General e.g. RFFS Vehicle Maintenance
 - ADR.OPS.C.010 Pavements, other ground surfaces and drainage e.g. RWY Friction Testing
- 2) In the case of an exemption from a training requirement, for example RFFS personnel, the nominated post-holder must satisfy themselves as to the ongoing competence of those personnel for whom a training exemption shall be applicable.

This is equally applicable to initial, recurrent, refresher and continuation training. For example, in the RFFS scenario where recurrent training cannot be completed and ongoing competence cannot be fully demonstrated, the nominated aerodrome RFFS post-holder must satisfy him/herself as to the competence of the personnel involved and approve the personnel for ongoing RFFS duties subject to the completion of training at a later date. In some training scenarios, it is envisaged that mentoring and increased supervision of personnel would be in place as an appropriate mitigation, and evidence of same should be recorded for inspection as required by the Competent Authority.

- 3) In the case of a temporary exemption being granted, the Competent Authority shall immediately notify the Commission, the Agency and the other Member States, through the repository established under Article 74 of Regulation (EU) 2018/1139, of the exemption granted, its duration, the reason for granting it and, where applicable, the necessary mitigation measures applied.