



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Eidgenössisches Departement für  
Umwelt, Verkehr, Energie und Kommunikation UVEK

Bundesamt für Zivilluftfahrt BAZL  
Abteilung Sicherheit Flugbetrieb

CH-3003 Bern, BAZL kun

European Commission  
DG Move  
Mr. Filip Cornelis

EASA  
Mr. Patrick Ky

Reference: BAZL kun / 041.202-00001/00001/00002/00015  
Your Reference:  
Bern, 4th April 2017

**Delay of the extension of the opt-out provision in Article 12(4) of the Regulation (EC) N° 1178/2011 relating to pilots holding a third country licence in non-commercial operations**

**Notification of Switzerland of an Exemption in accordance with Article 14(4) of Regulation (EC) N° 216/2008 to fill the gap for pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation**

Dear Mr. Cornelis  
Dear Mr. Ky,

As indicated during the last TeB meeting in January 2017 and also discussed at the EASA committee meeting in February 2017, we now received the template from Olga Rando to notify a Derogation according to article 14(4) of Regulation (EC) N° 216/2008 to fill the gap between the expiry of the opt-out possibility in Article 12(4) of the Aircrew Regulation (EU) N° 1178/2011 at 8 April 2017 and the adoption of the opt-out extension to 8 April 2019.

Switzerland herewith **formally notifies the utilization of the exemption according to 14(4) of the Regulation (EC) N° 216/2008** to fill the gap and to continue with the opt-out as notified previously. The provisions of the Aircrew Regulation will therefore not be applied to pilots holding a license and associated medical certificate issued by a third country involved in the non-commercial operation of aircraft as specified in Article 4(1)(b) or (c) of Regulation (EC) N° 216/2008 until 8 April 2019.

Federal Office of Civil Aviation  
3003 Bern  
Switzerland  
Location: Mühlestrasse 2, 3063 Ittigen  
Tel. +41 58 465 46 12, Fax: +41 58 465 80 32  
ingrid.kuenzli@bazl.admin.ch  
www.bazl.admin.ch





Exemption notification

Ref # [chrono/record num.]

### Article 14.4 of Regulation (EC) 216/2008 Exemption Notification form

*This template is recommended to be used for notification of exemptions from Regulation (EU) No 1178/2011.*

*Once completed by the CA, this template should be sent to EASA ([exemptions@easa.europa.eu](mailto:exemptions@easa.europa.eu)) as soon as possible **in advance** of the formal notification via the Permanent Representation, to EASA, Member States and the European Commission.*

Notifying State	
Member or Associated State <sup>i</sup>	Switzerland
Reference of the notification from the State <sup>ii</sup>	041.202-00001/00001/00002/00015
Date of the notification <sup>iii</sup>	4 <sup>th</sup> April 2017
Exemption	
Background information	<p>Mainly against the background of the negotiations between the EU and the US on the extension of the BASA to the area of FCL and in order to bridge the gap until the entry into force of this agreement, the opt-out provision in Article 12(4) of Regulation (EU) No 1178/2011 had been put in place, with a validity period ending on 8 April 2017, allowing pilots holding a licence and associated medical certificate issued by a third country involved in the non-commercial operation of aircraft as specified in Article 4(1)(b) or (c) of Regulation (EC) No 216/2008 to continue to exercise their privileges until the BASA will be in force.</p> <p>As the opt-out period foreseen in Article 12(4) of Regulation 1078/2011 ends on 8 April 2017 and the foreseen BASA is still not in force, an extension of the opt-out period in Art. 12(4) until 8 April 2019 is in the process of being adopted. The respective amendment will, however, most probably not be adopted before or soon after 8 April 2017.</p> <p>Pilots benefiting from the opt-out would as of 8 April 2017 no longer be able to fly without having a Part-FCL licence and Part-MED medical. Member States have been informed by EASA, in consultation with the Commission, of the possibility to notify an exemption based on Article 14(4) of the Basic Regulation in order to address this exceptional operational need for limited duration brought about by the above mentioned situation.</p>
Exempted requirements <sup>iv</sup>	Annex I and IV of Regulation (EU) No 1178/2011
Reason for notification <sup>v</sup>	Repetitive exemption or extension <input type="checkbox"/> Exemption granted for more than 2 months <input checked="" type="checkbox"/>
Aircraft type/model/variant <sup>vi</sup>	Aircraft as specified in Article 4(1)(b) or (c) of Regulation (EC) No 216/2008
Serial no. <sup>vii</sup>	Not applicable





Exemption notification

Ref # [chrono/record num.]

Registration <sup>viii</sup>	Not applicable	
Type of operation <sup>ix</sup>	Non-commercial operation of aircraft by holders of licences issued by third countries	
Organisation or operator or person whom the exemption is granted to <sup>x</sup>	All pilots holding a licence and associated medical issued by a third country involved in the non-commercial operation of aircraft as specified in Article 4(1)(b) or (c) of Regulation (EC) No 216/2008	
Exemption applicability date <sup>xi</sup>	Issuance date	Expiry date
	8 April 2017	Date of adoption of the extension of the opt-out to 8 April 2019 in Article 12(4) of Regulation (EU) No 1178/2011, as amended, respectively the entry-into-force in Switzerland.
Reference to previous similar exemptions, if any	date of the earlier exemption granted: Not applicable	
Details of the exemption (attach the exemption) <sup>xii</sup>	This exemption allows pilots holding a licence and associated medical issued by a third country to continue to be involved in the non-commercial operation of aircraft as specified in Article 4(1)(b) or (c) of Regulation (EC) No 216/2008 in Switzerland as notified to EASA and published on the Agency's website by continuing to exempt them from certain provisions in Regulation 1178/2011.	
Reason for granting exemption <sup>xiii</sup>	unforeseen urgent operational circumstances <input type="checkbox"/>	Please detail:
	operational needs of a limited duration <input checked="" type="checkbox"/>	Please detail:  Without the necessary BASA being in force, the delay in the adoption of the amendment to Article 12(4) of Regulation (EU) No 1178/2011 would 'ground' all third country licence holders involved in non-commercial operation for some weeks or months, until the amendment of Article 12(4) enters into force. In order to allow these pilots to continue their private operation of aircraft, this exemption shall be granted for the period between 8 April 2017 and the entry-into-force of the amended said Article 12(4), respectively the entry-into-force in Switzerland .
In case of non approved change/repair: <sup>xiv</sup>	If applicable, please refer to the EASA Project number: Not applicable	
Justifications of the maintained Level of Safety; Mitigating measures, if any <sup>xv</sup>	Level of safety is maintained – no mitigating measures applied.	





Exemption notification

Ref # [chrono/record num.]

Additional observations <sup>xvi</sup> and statements (if any)	<p>The exemption allows a pilot holding a licence and associated medical issued by a third country involved in the non-commercial operation of aircraft as specified in Article 4(1)(b) or (c) of Regulation (EC) No 216/2008 to continue to operate in non-commercial operations on the said aircraft and with the said licence and associated medical after 8 April 2017 to close the gap as described above</p> <p><b>This notification includes the notification in accordance with Art 12 (7) of Regulation (EU) No 1178/2011 to announce that Switzerland is making use of the extended opt-out in Art 12 (4) of Regulation (EU) No 1178/2011 as it is going to be amended.</b></p>
Contact Details of NAA <sup>xvii</sup>	<p>Micha Joss Federal Office of Civil Aviation 3003 Bern Switzerland</p>
<b>Agency Use</b>	
Date received	
Date and reference of recommendation	

This form should be used to provide the basic details regarding the exemptions to be notified as per Article 14(4) of Regulation (EC) 216/2008. Provision of the data request in English will assist in processing the Agency recommendation in a timely manner

For instructions, please see details next page.

<sup>i</sup> State where the notification of exemption comes from.

<sup>ii</sup> Reference of the notification letter from the Member State or associated State to the Commission, the Agency and the other Member States.

<sup>iii</sup> Date of issuance of notification letter as mentioned in block 2.

<sup>iv</sup> Refer to Regulation (EC) 216/2008 (hereafter referred to as "Basic Regulation") and articles. Basically, reference shall be made to Basic Regulation Article 14(4). Specific reference to Implementing Rules can be given in addition (example: Part 21, Part M ... with the applicable paragraph corresponding to the NAA remit).

<sup>v</sup> According to Basic Regulation Article 14(4), the exemption shall be notified only in those two cases:

- If the exemption is repetitive.  
In this case, and if the former exemption was already notified to the Commission (or to EFTA Surveillance Authority, if applicable), to the Member States and to the Agency: provide the reference of the corresponding notification.
- If the exemption is granted for more than 2 months.

<sup>vi</sup> Refer to the aircraft type/model/variant concerned by the exemption.

<sup>vii</sup> Refer to the registration concerned by the exemption.

<sup>viii</sup> Refer to the serial number concerned by the exemption.

<sup>ix</sup> If the information is relevant to the exemption, indicate the category of operations (e.g. Commercial Air Transport, private).

<sup>x</sup> Name of the organisation or operator or person whom the exemption is granted to.

<sup>xi</sup> Date of the issuance and date of expiry of the exemption.

<sup>xii</sup> The description of the exemption should allow the Agency's experts to provide a technical recommendation.





Exemption notification

Ref # [chrono/record num.]

In the case of a non approved change or repair, the title of the change/repair and the reason of non-approval shall be given. Classification of the change/repair shall also be indicated in block 12.

In the case where the change/repair is handled by an approved Design Organisation, brief description of the change/repair shall allow the experts to evaluate the technical status of the change/repair and to assess if the exemption complies with the general safety objectives of the Basic Regulation.

<sup>xiii</sup> As per Basic Regulation Article 14(4), the exemption shall be granted only in the event of unforeseen urgent operational circumstances or operational needs of a limited duration. The corresponding case needs to be ticked and a short justification provided.

<sup>xiv</sup> In the case where the change/repair is handled by the Agency, the Project number allocated by the Agency after receipt of the application for approval shall be provided so that the Agency's experts can identify the files.

<sup>xv</sup> Describe how it is ensured that the level of safety is not adversely affected and what mitigating measures are put in place, if any

<sup>xvi</sup> Any additional information that can help the Agency to provide a recommendation to the Commission can be added there.

<sup>xvii</sup> Provide contact details (e-mail and phone) of the NAA official in charge of this exemption in the case where additional information would be required by the Agency.



Yours sincerely

Federal Office of Civil Aviation



Roland Steiner  
Head of Safety Division Flight Operation



Ueli Herren  
Head of Section Flight Personnel