



Satiksmes ministrija

Ministry of Transport of the Republic of Latvia

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DG MOVE  
Directorate E-Aviation and  
International Transport Affairs  
European Commission  
Rue de la Loi, 200  
B-1049, Brussels

Subject: Notification of exemption granted pursuant to  
Article 14(4) of Regulation (EC) No 216/2008

The Republic of Latvia hereby notifies the European Commission, European Aviation Safety Agency and the Member States, that pursuant to Article 14(4) of Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC, has granted an exemption which allows pilots of an operator whose aircraft do not fulfil all airworthiness requirements to continue to operate on Performance-based Navigation (PBN) routes, without complying with the requirement of Article 4a paragraph 1 of Commission Regulation (EU) No 1178/2011.

This exemption is granted taking into account, that the related airworthiness regulatory framework for aircraft has not been changed yet. Aircraft certified to operate in PBN operations in area navigation 5 (RNAV5) and area navigation 1 (RNAV1) are fully compliant with the relevant regulations and have no additional limitation as specified in the operator's documentation. The pilot subject to this exemption cannot be qualified for PBN due to no available appropriately qualified FSTDs for the type(s) of aircraft mentioned above to undergo the required RNP approach training and checking. The duration of the exemption is limited to 25 of August, 2020. On this date all holders of an instrument rating (IR) have to comply with the PBN requirements. It is expected by that date that operators will have had sufficient time to modify/re-equip their aircraft.

Attachment: EASA Exemption Notification Form on 4 pages.

State Secretary

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

*This template is recommended to be used for the notification of exemptions from Regulation (EU) No 1178/2011 to mitigate shortcomings of the implementation of PBN requirements.*

*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>	Republic of Latvia
Reference of the notification from the State <sup>ii</sup>	Not available
Date of the notification <sup>iii</sup>	August 14, 2018
Exemption	
Background information	<p><b>Summary</b></p> <p>This form contains an application for an exemption in accordance with Article 14 (4) of Regulation (EC) No 216/2008 with regard to deferring the applicability of Article 4a paragraph 1 on Performance-based Navigation (PBN) instrument rating privileges stipulated in Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 for pilots holding CPL/MPL/ATPL licences and instrument ratings (IR) who operate on behalf of CAT or NCC operators using aircraft that are not currently required to fulfill airworthiness requirements for full PBN operations . Such aircraft are limited in respect of PBN to operations in RNAV5 (B-RNAV) and RNAV1 (P-RNAV) i.e. PBN route flying. However, with effect from 25 August, 2018 pilots flying such routes are mandated to hold full PBN privileges including PBN approaches. The result is in an anomaly between the pilot privileges required and the aircraft capability necessary.</p> <p>The exemption is intended to cover the gap of diverging applicability dates within Commission Regulations (EU) No 1178/2011 and is therefore time-limited until entry into force until 25 August, 2020.</p> <p><b>Identification of the problem</b></p> <ol style="list-style-type: none"> <li>1.1. The requirements to train, test and periodically check pilots who fly in accordance with performance-based navigation (PBN) have been included in Commission Regulation (EU) No 1178/2011 and will apply from 25 August 2018 to pilots that fly on routes and approaches that require PBN privileges;</li> <li>1.2. Commission Regulation (EU) No 965/2012 allows operators to operate in PBN operations in designated airspace without approval, except in the cases of complex PBN operations - RNP AR APCH and RNP 0.3 for helicopter operations, in accordance with SPA.PBN.100;</li> <li>1.3. The designated airspaces for PBN operations are defined by the navigation specifications: area navigation (RNAV) and required navigation performance (RNP);</li> </ol>

	<p>1.4. The regulatory framework established for complex PBN operations (RNP AR APCH and RNP 0.3 for helicopter operations) in accordance with Commission Regulation (EU) No 965/2012 remains unchanged.</p> <p>1.5. On 25 August, 2020 all holders of an instrument rating (IR) have to comply with the PBN requirements.</p>	
Exempted requirements <sup>iv</sup>	<i>Deferment of applicability of Article 4a point 1 of PBN provisions in Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011 to 25 August 2020</i>	
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>	<i>Not applicable</i>	
Serial no. <sup>vii</sup>	<i>Not applicable</i>	
Registration <sup>viii</sup>	<i>Not applicable</i>	
Type of operation <sup>ix</sup>	<i>Commercial Air Transport (CAT) operations and Non-commercial operations with complex motor-powered aircraft (NCC) in accordance with Regulation (No) 965/2012</i>	
Organisation or operator or person whom the exemption is granted to <sup>x</sup>	Pilots holding CPL/MPL/ATPL licences and instrument ratings (IR) who operate on behalf of CAT or NCC operators and use aircraft not fulfilling all airworthiness requirements for full PBN operations, thus limiting to operations to RNAV5 (B-RNAV) and RNAV1 (P-RNAV).	
Exemption applicability date <sup>xi</sup>	Issuance date dd/mm/yyyy	Expiry date 25 August 2020
Reference to previous similar exemptions, if any	Date of an earlier exemption granted: Not applicable	
Details of the exemption (attach the exemption) <sup>xii</sup>	This exemption allows pilots of an operator whose aircraft do not fulfill all airworthiness requirements as mentioned above to continue to operate on PBN routes, without complying with Article 4a point 1 of Annex I (Part-FCL) to Commission Regulation (EU) No 1178/2011. These PBN routes are limited to designated airspaces area navigation 5 (RNAV5 (basic area navigation, B-RNAV)) and area navigation 1 (RNAV1 (P-RNAV)) only.	
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:  The related airworthiness regulatory framework for aircraft has not been changed yet. Aircraft certified to operate in PBN operations in area navigation 5 (RNAV5) and area navigation 1 (RNAV1) are fully compliant with the relevant regulations and have no additional limitation as specified in the operator's documentation.  The pilot subject to this exemption cannot be qualified for PBN due to no available appropriately qualified FSTDs for the type(s) of aircraft mentioned

	<p>above to undergo the required RNP approach training and checking.</p> <p>The duration of the exemption is limited to 25 August 2020. On this date all holders of an instrument rating (IR) have to comply with the PBN requirements. It is expected by that date that operators will have had sufficient time to modify/re-equip their aircraft.</p>
In case of non-approved change/repair: <sup>xiv</sup>	<p>If applicable, please refer to the EASA Project number:</p> <p>Not applicable</p>
Justifications of the maintained Level of Safety; Mitigating measures, if any <sup>xv</sup>	<p>Level of safety is maintained – no additional mitigating measures applied.</p> <p>However, operators have to provide the pilots subject to this exemption a declaration of completion of relevant training (initial and recurrent, as applicable) and checking for the PBN part specified in the operator's documentation. The pilots have to send a copy of a document confirming the completion of such a training and checking to the competent authority that issued their licence unless otherwise specified by the competent authority.</p>
Additional observations <sup>xvi</sup> and statements (if any)	No
Contact Details of NAA <sup>xvii</sup>	<p>Gunārs Prekelis Head of Personnel Licensing Division <a href="mailto:Gunars.Prekelis@caa.gov.lv">Gunars.Prekelis@caa.gov.lv</a> Jānis Zviedris Head of Training and Examination Section <a href="mailto:Janis.Zviedris@caa.gov.lv">Janis.Zviedris@caa.gov.lv</a></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.

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- 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.

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.