Date : 31-03-2020 التـــاريـخ :

Ref : 2020-25/ASD/41 الإشـارة :

Exemption (EXPN – 01/2020)

General Exemption: COVID-19 Outbreak - Extension of Validity Periods for Licenses, Ratings and Certificates of Aircrew, Instructors & Examiners

1. In response to the exceptional circumstances caused by the COVID-19 outbreak and in line with the Kuwait Civil Aviation Safety Regulations (KCASR) guidance, the Directorate General of Civil Aviation ('the DGCA') exempts all Operators, Aircrew, Instructors, Examiners, for whom the Kuwait DGCA is the Competent Authority, wherever normal revalidation facilities are not available, from the requirements detailed in paragraphs 2 to 4, as appropriate, subject to any conditions therein.

2. Validity period of licenses, ratings and certificates issued in accordance with KCASR Part I Personnel Licensing.

2.1 Subject to the conditions in 2.2, Aircrew are exempted from the standard validity periods of the following ratings or certificates that expire before **31st October 2020**, which may be extended until the end of the validity period of this Exemption:

(a) Type ratings and instrument ratings endorsed in KCASR Part 1 Personnel Licensing, Commercial Pilot Licenses (CPL, ATPL) for operating aeroplanes representing those types within an organization for which KCASR Part 6, is applicable;

(b) KCASR Part 1 Personnel Licensing Instructor and Examiner certificates the holders of which are involved in training and checking of holders of the type ratings and instrument ratings specified in (a) above;

2.2 The conditions mentioned in 2.1 are that:

(a) KCASR Part 1 Personnel Licensing - License holders shall comply with the following:

(i) hold a valid type rating and instrument rating if applicable;

(ii) operate under the management system of an AOC holder; and

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(iii) have received refresher training, followed by the completion of an assessment by means established by the Operator to determine that the required level of knowledge to operate the applicable type has been maintained. That assessment shall include type specific abnormal and emergency procedures.

(b) Upon successful completion of the refresher training and the assessment as per (a) (iii), the licence shall be endorsed with the new expiry date preferably by a type rating examiner (A + Instructor) nominated by the Operator, or Kuwait DGCA authorized personnel. (See Note 4)

(c) KCASR Part 1 - Personnel Licensing, Instructor and Examiner certificate holders shall hold a valid Instructor and, if applicable, a valid Examiner certificate. An appropriately qualified Authorized Examiner (A + Instructor), nominated by the Operator, or Kuwait DGCA authorized personnel, shall endorse the certificate with the new expiry date. (See Note 4)

3. Validity period of training and checking in accordance with KCASR Part 6

3.1 Subject to the conditions in 3.2, Operators are exempted from the standard validity periods of training and checking, as set out in the applicable training and checking requirements of KCASR Part 6 Attachment AA, listed below and that expire before **31st October 2020**. Validity periods may be extended to the end of the validity period of this exemption for all of the following:

(a) Proficiency Checks (PC);

(b) Line Checks (LC);

(c) Emergency and safety equipment training and checking;

(d) Crew resource management recurrent training;

(e) Operator recurrent training and checking;

(f) Ground and flight training;

(g) Cabin crew member recurrent training and checking;

(h) Technical crew member recurrent training.

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3.2 The conditions mentioned in 3.1 are that:

(a) For Proficiency Checks (PC) in accordance with KCASR Part 6 and as well as line checks if applicable, the Operator shall ensure that flight crew benefitting from this exemption shall comply with paragraph 2.2 (a) above and any additional Special Procedures Approval related exercises, as appropriate; and

(b) For flight crew member, Operator emergency and safety equipment training and checking in accordance with KCASR Part 6, crew resource management recurrent training, ground and flight training, cabin crew member recurrent training and checking, technical crew member recurrent training, crew resource management recurrent training, the Operator shall ensure all members complete additional training through any means.

4. Checklist and Guidance for Assessment of Safety Cases

Air Operator shall comply and submit the checklist for the Assessment of Operator Safety Cases as the attachment with this exemption.

Guidance:

1. The safety case submitted (mandatory elements highlighted in the checklist), must be accepted before the Operator may take advantage of the exemption and extend license privileges.

2. The training and assessment required as a condition of the exemption, (See 2.2 (a) (iii)) MUST be completed before the certificate may be signed by an examiner.

3. In situations when it is not possible to complete the training and assessment before the expiry date, eg. if the expiry is imminent, on completion of the assessment it is permissible to backdate the Temporary Certificate "Date Valid From" to the date of expiry of the rating, provided it is not before the date of publication of the Exemption, ie, 23rd March. The Operator's safety case must consider this situation and include a reasonable time limit for completion of the training / assessment. Four weeks is a suggested maximum. The Licence Holder may not operate if the rating has expired until the Temporary Certificate is issued.

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4. An examiner nominated by the Operator must sign the Certificate, ie. the Nominated Person crew Training should nominate suitable examiners. Signing the Certificate is an administrative process; the examiner does need to be qualified on type. This will facilitate signing of the Certificate when an Operator does not employ examiners on all types operated.

5. When signing the Certificate, the examiner is responsible for ensuring that the required training and assessment has been completed. The examiner does not have to conduct the assessment themselves. In this case, the Operator must ensure that a suitable process is in place so that the examiner signing the Certificate has evidence that the training and assessment has been completed.

6. If any of the other training and checking specified in 3.2 of the Exemption has expired, the additional training specified in 3.2 (a) and (b) must also be completed before a Licence Holder may operate.

7. There are no training or assessment requirements before an Instructor or Examiner privilege may be extended.

8. Operators must submit a monthly summary to the DGCA/ASD in accordance with Note 4. (c) of the Exemption. This summary must include:
   - Pilots name;
   - Pilots License Number;
   - Ratings / Certificates that have been extended under **EXPN 01/2020**
   - Date of new expiry (if different from 31st October 2020);
   - Authorized Examiner name and license number.

5. Interpretation

5.1 In this exemption, "Aircrew" has the same meaning as detailed in the KCASR.

5.2 In this exemption the intent of "through any means" is that Operators provide additional training to crew members in order to compensate for the extended validity of the different training elements of KCASR Part 6, as applicable. This could be done for example via briefing / leaflet / bulletin / CBT / video.

This exemption has effect from the date it is signed until 31st October 2020, both dates inclusive, unless previously revoked.

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Notes:

1. *The Kuwait DGCA is aware that Operators and individual license holders may have difficulties in completing training and checking during the period of the COVID-19 infection and has issued this exemption in line with the template.*

2. *Any questions or queries regarding the application of this exemption should be made, in the first instance, to the relevant FOI. Alternatively, contact the Kuwait DGCA/ASD at safety@dgca.gov.kw or for medical specific queries at ha.alrasheed@dgca.gov.kw*

3. *The Kuwait DGCA will keep this Exemption under constant review and react as necessary to the circumstances which are expected to change.*

4. *Recording of extension of privileges:*

   (a) ***License holders:*** *Recording the extension of the validity period of the rating privileges for license holders is to be inserted on the Certificate of Revalidation page of the license, the Rating Certificate Endorsement to show the relevant endorsement as would normally be entered. At the Date of Rating Test and/or Date of IR Test as applicable, enter **EXPN 01-2020**, at 'Valid' enter the new expiry date as permitted by this exemption, the Examiner's Certificate Number and Examiner's Certificate and signed entries will be completed as normal.*

   (b) ***Examiner certificate holders:*** *Recording the extension of the validity period of privileges for examiner certificate holders, the authorized person is to enter on the Examiner's Certificate 'Extended to DD/MM/YYYY as permitted by **EXPN 01-2020** stating their Examiner's Certificate Number and signed.*

   (c) ***Operators:*** *Organizations using this exemption for their license holders are to provide a spreadsheet monthly to the Kuwait DGCA/ASD via our email safety@dgca.gov.kw detailing the revalidations.*

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Attachment for Exemption (EXPN 01/2020)

Checklist and Guidance for Assessment of Safety Cases submitted by Operators intending to take advantage of sections of the General Exemption related to Crew Training and Checking

Notes:

1. This exemption is a General Exemption which means that Operators do not, individually, need to apply however a supporting safety case must be submitted to the respective FOI.
2. The Safety Case must be "Accepted" before the Operator may utilise the EXPN 01/2020.
3. The Exemption only applies to recurrent training and checking, NOT initial training/ checking for award of a qualification, eg, type rating courses or cabin crew initial training.
4. If the exemption request affects Cabin Crew or Technical Crew, additional review by appropriate specialists will be required.
5. Review of the Safety Case should be recorded.
6. The content of the checklist below may be shared with operators.
7. The highlighted items in the checklist are **mandatory** and reflect the conditions within the exemption. Note that for extensions to validity of class and type ratings, the refresher training and assessment MUST include abnormal/emergency procedures and Special Procedures Approval exercises.
8. At this stage, the operator is not required to demonstrate how they will manage the return to normal operations. Use your judgement to assess if the case is sufficiently detailed.
9. Note the requirements to endorse licences for extensions of validity. This is an administrative exercise only. For Type Ratings + IR, the licence may be endorsed by any examiner nominated (A + Instructor) by the Operator. The Exemption makes provision for the Kuwait DGCA/ASD authorized personnel to sign the licence exceptionally.
10. For pilots who are remote, the licence may be signed retrospectively at the earliest opportunity, however the pilot may not operate with an expired rating. We are exploring other means of extending validities.
11. For imminent expiries of licence validities, it is acceptable to complete the alternative training and assessment without delay after the licence expiry has been amended. The Operator must specify the time scale.
12. The other items in the checklist are not mandatory, but the SC should indicate that the Operator has given due consideration to the request and utilised their Management System processes. Details of the recovery plan may be submitted subsequently; the intention is not to require all information up-front before allowing operators to take advantage of the exemption.
13. Any queries relating to medicals are beyond the scope of this document and should be referred to the DGCA/ASD Licensing Division ha.alrasheed@dgca.gov.kw

Checklist for Assessment of Operator's Safety Case

Highlighted items are mandatory

Actions	Evaluation Guidance	Comments
1. Determine whether the Safety Case, (SC) defines the scope of the exemption request.	Does the SC clearly describe the elements of the exemption of which the Operator intends to take advantage?	
	Is the request for exemption proportionate, ie is the scope limited to what is actually necessary?	
	Are third party contractors providing any of the training? If so, are they considered by the SC?	
2. For exemptions relating to Flight Crew PC/Line Checks, does the SC specify how the required level of knowledge will be maintained? See Exemption 2.2 (a) (iii) and 3.2 (a)	Is the content of the refresher training adequate?	
	By what means will the refresher training be completed?	
	Is the method of assessment following the training specified and is it practical?	
	Does the content of the assessment determine that the required level of knowledge to operate the applicable class or type has been maintained?	
	Is the timescale for completion of the training and assessment specified?	
	Does the assessment include abnormal and emergency procedures?	
	Are relevant Special Procedures Approval related exercises (ie PBN, MNPS, RVSM, LVO, ETOPS) included in the training and assessment?	
3. For other training and checking which applies to all crew members, has the operator specified the additional training which will take place? See Exemption 3.2(b)	Is the content specified and adequate?	
	Is the method specified and practical?	
	How is completion of the training recorded?	
	Is the timescale for completion of the additional training specified?	

4. Does the SC include a risk assessment?	Does the risk assessment adequately identify the risks associated with the exemption?	
	Are appropriate mitigations and risk controls proposed?	
	Do mitigations introduce additional risks which have not been considered?	
	Are crew members' previous performance considered?	
	Has each risk been assessed for likelihood and severity?	
	Is each risk / mitigation owned and accepted by a responsible person?	
	Have human factors been considered, ie the effect on the crew and trainers?	
	Is a review date for mitigations included?	
	How will the effectiveness of the mitigations be monitored? (ASRs, FDM, additional audit of line operations etc)	
	If simulators are not being used for proficiency checks, (for example due to travel restrictions), does the operator have recent experience conducting checks, or elements of checks in an aircraft, or would this increase the risk? Is this captured by the SC?	
5. Has the operator considered compliance monitoring in the SC?	Are the alternative arrangements associated with the exemption included in a revised compliance monitoring programme?	
6. Does the SC include a recovery plan? If not, then the operator should be encouraged to formulate and submit in good time prior to expected recommencement of increased operations.	If extensions to validities have been requested, it is likely that there will be a future 'bulge' in expiries. Has this been considered and a management plan proposed?	
	Does the next training or checking event include additional or more comprehensive training as further mitigation?	

	If simulators are not available due to travel restrictions, has the likely high demand for slots months ahead been considered?	
	Has the impact on the three-year recurrent cycle been considered and the syllabus revised accordingly?	
7. Have temporary amendments to the Ops Manual been submitted?	Do the temporary amendments reflect the content of the SC?	
	Has adequate guidance to training staff been included?	
8. Does the SC include a plan to manage training records?	If validities of training are affected, how will this be recorded by the training records system and publicised within the organisation?	
	If the exemption involves licences, does the SC include details of the reports which will be submitted to the Kuwait DGCA?	