

## **EXEMPTION FROM SUBSECTIONS 702.67(1) AND (2) OF THE CANADIAN AVIATION REGULATIONS**

Pursuant to subsection 5.9(2) of the *Aeronautics Act*, and after having taken into account that this exemption is in the public interest and is not likely to adversely affect aviation safety or security, I hereby exempt **Canadian air operators conducting flight operations under Subpart 2 of Part VII of the *Canadian Aviation Regulations (CARs)*** from the requirements of subsections 702.67(1) and (2) of the CARs, subject to the conditions set out below.

Subsection 702.67(1) of the CARs states that, subject to subsections (3) and (5), the validity period of a pilot proficiency check expires on the first day of the twenty-fifth month following the month in which the proficiency check was completed.

Subsection 702.67(2) of the CARs states that, subject to subsections (4) and (5), the validity period of a competency check and the annual training referred to in Section 702.76 expires on the first day of the thirteenth month following the month in which the competency check or training was completed.

The above-mentioned provisions are reproduced in **Appendix A**.

### **PURPOSE**

The purpose of this exemption is to provide a Canadian air operator with the temporary authority to extend the valid-to date of a Pilot Proficiency Check (PPC), competency check and the annual training of any company pilot or person assigned to perform duties on-board an aircraft for an additional 90 consecutive days.

This exemption provides temporary measures in the public interest in response to travel restrictions, limited access to training facilities, isolation measures, and other impediments that air operators are encountering in the training and checking of flight and cabin crew following the declaration of a pandemic outbreak of novel coronavirus (COVID-19) by the World Health Organization (WHO) on March 11<sup>th</sup>, 2020.

### **APPLICATION**

This exemption applies to a Canadian air operator conducting flight operations under Subpart 2 of Part VII of the CARs and allows an air operator to extend the valid-to date of a PPC, competency check and the annual training of any company pilot or person assigned to perform duties on-board an aircraft for an additional 90 consecutive days. Training defined in section 702.76 of the CARs that is only required to be completed every second or third year and is due for inclusion in the next annual training cycle can be deferred until the 90-day extension period granted by this exemption has ended. The extension of a valid-to date of a PPC or competency

check results in the same-period extension of the training and checking of any Special Authorization and privilege associated with the PPC or competency check.

This exemption ceases to apply to a Canadian air operator that does not respect a condition of this exemption. A regional Transport Canada Civil Aviation authority may limit or prevent an air operator from using this exemption if the regional authority deems that an operational necessity has not been demonstrated or the conditions below are not being appropriately applied.

An air operator that conducts training and checking in an aircraft is eligible to use this exemption if training and checking is not possible and there is an operational necessity to use this exemption.

## **CONDITIONS**

This exemption is subject to the following conditions:

1. The 90 consecutive day extension to a PPC, competency check and annual training shall only be applied to a PPC, competency check and annual training that is currently valid or has not been expired for more than 15 days.
2. The 90-day extension shall be added to the existing valid-to date (original date, and not the valid-to date of a 60 day extension, if applicable) and will expire at 23:59 (EDT) on the 1<sup>st</sup> day of the month that immediately follows the 90-day extension.
3. This exemption shall only be used by an air operator that has no means to complete annual training and checking on any company pilot or person with on-board duties and there is an operational necessity to extend the valid-to date.
4. An air operator that uses this exemption shall incorporate risk mitigation and control measures to reduce risk to as low as reasonably possible. Such measures should include, to the extent possible, minimizing or avoiding the pairing of two or more crew members that have an extended valid-to date (training and/or checking) and avoiding extensions to training and checking in situations where a crew member may lack proficiency because of an extended absence from flight duties. Mitigations and other control measures shall be explained and documented by the operator, distributed to affected crew members and provided to the air operator's Principal Operations Inspector (POI) for approval.
5. An air operator shall provide their POI with a list of company personnel that will be conducting flight operations with an extension to a PPC, competency check and/or annual training.

6. An air operator that normally conducts training and checking in a flight simulator and has limited or no access to a flight simulator is not obligated to conduct training and checking in an aircraft, should that option be available.

## **VALIDITY**

This exemption is in effect until the earliest of the following:

- a) October 31, 2020 at 23:59 (EDT); This is the last day that an extension can be granted for a PPC and annual training, with the extension expiring no later than February 1<sup>st</sup> 2021; or
- b) The date on which the exemption is cancelled in writing by the Minister where he is of the opinion that it is no longer in the public interest or is likely to adversely affect aviation safety or security.

**DATED** at Ottawa, Ontario, this 3<sup>rd</sup> day of April 2020, on behalf of the Minister of Transport.



Nicholas Robinson  
Director General, Civil Aviation  
Transport Canada

## Appendix A

### Pertinent provision(s) of the *Canadian Aviation Regulations*

#### Validity Period

**702.67 (1)** Subject to subsections (3) and (5), the validity period of a pilot proficiency check expires on the first day of the twenty-fifth month following the month in which the proficiency check was completed.

**(2)** Subject to subsections (4) and (5), the validity period of a competency check and the annual training referred to in Section 702.76 expires on the first day of the thirteenth month following the month in which the competency check or training was completed.

**(3)** Where a pilot proficiency check is renewed within the last 90 days of its validity period, its validity period is extended by 24 months.

**(4)** Where a competency check or annual training is renewed within the last 90 days of its validity period, its validity period is extended by 12 months

**(5)** The Minister may extend the validity period of a pilot proficiency check, a competency check or annual training by up to 60 days where the Minister is of the opinion that aviation safety is not likely to be affected.