

GUIDELINES ON THE EXEMPTION FOR EXPIRED CERTIFICATES/QUALIFICATIONS/RATINGS

1 INTRODUCTION

1.1 PURPOSE AND SCOPE

1.1.1 The purpose of this document is to provide guidelines to individuals and operators in Malaysia on the exemption of the following expired:

- a) Medical Certificate;
- b) English Language Proficiency Certificate;
- c) Recurrent Training and Checking; and
- d) Organization Certificate;

1.2 REFERENCES

1.2.1 It is intended that the following references be used in conjunction with this document:

- a) Civil Aviation Regulations 2016;
- b) Flight Operations Directive – Flight Crew Licencing;
- c) Flight Operations Directive – Organisation Requirements For Air Operations;
- d) Flight Operations Directive – Organisation Requirements For Flight Crew;
- e) Chief Executive Officer Directives – Medical Requirement;
- f) ICAO Annexes 1, 6 and 19;
- g) ICAO Documents; and
- h) Civil Aviation Notice 1/2020 – Exemption Notice.

1.3 ABBREVIATIONS

Abbreviations	Meanings
AOC	Air Operator Certificate
ASR	Air Safety Report

CAAM	Civil Aviation Authority of Malaysia
CEO	Chief Executive Officer
COA	Certificate of Approval
COVID-19	Coronavirus Disease 2019
ELP	English Language Proficiency
FDP	Flight Duty Period
FO	First Officer
FOD	Flight Operations Directive
HIRA	Hazard Identification Risk Assessment
ICAO	International Civil Aviation Organisation
ICC	In-Charge Cabin Crew
IIF	Instructional in Flying
IOE	Initial Operations Experience
MCAR	Civil Aviation Regulations 2016
MCO	Movement Control Order
ME	Medical Examiner
ORO	Organisation Requirements For Air Operations
PIC	Pilot-In-Command
RA	Risk Assessment
SMS	Safety Management System
SOP	Standard Operating Procedures
TAC	Technical Approval Certificate
TEM	Threat Error Management
VR	Voyage Report

2 BACKGROUND

- 2.1 The world has been very badly affected by the spread of COVID-19 and this has directly impacted the aviation industry worldwide. Currently, all main activities within CAAM such as audits and continuous surveillance; and within the aviation industries among others the revalidation and renewal of aviation personnel's licences, certificates, ratings and qualifications, the training and checking by instructors and examiners have virtually stopped due to the MCO introduced by the Government on 18 March 2020 and has to date been extended until 12 May 2020.
- 2.2 CAAM is aware on the effect of COVID-19 pandemic on the air operators in Malaysia specifically and globally in general. This document is intended to provide aviation personnel and air operators in Malaysia with guidelines on future planning with respect to their operations taking into consideration the risk assessment done at CAAM and operators' levels.
- 2.3 This document is developed to ensure that air operators and aviation personnel alike, will be able to conduct operations within the compliance with and approval of CAAM. Complying with the prescription in this document does not relieve the operators of the responsibilities to manage risk, including fatigue-related risks, using its SMS in accordance with the provisions stipulated in ICAO Annex 19.

3 CRITERIA FOR OPERATORS/AVIATION PERSONNEL TO OPERATE WITH EXPIRED CERTIFICATES/RATINGS/QUALIFICATIONS

- 3.1 Operators that intend to operate beyond the limits as stated in ICAO Annexes 1, 6 and FODs as per para 1.2.1 shall submit their SOP with regards to operations with expiry certificates/ratings/qualifications to CAAM for review.
- 3.2 Submission of the SOP shall be accompanied by HIRA document.
- 3.3 Operators/aviation personnel shall ensure a level of safety equivalent to, or better than, that achieved through the prescriptive fatigue management regulations.
- 3.4 Operators shall establish the crew requirement and FDP in their SOP in order to conduct their operations with expiry certificates/ratings/qualifications.
- 3.5 Operators shall submit the Compliance Sheet “Crew Exercising Extension of Standard Validity Period” as per **Appendix A** to CAAM on the 3rd week of the month.

4. CRITERIA FOR COMPLIANCE

4.1 MEDICAL

4.1.1 Planning stage

- a) Operators shall not plan flights with all crew flying under exemptions. Operators must ensure that proper planning is being done to ensure that at least 50% of the crew have valid certificates/ratings/qualifications.
- b) Crew having exemptions on their medical validities should not be rostered on long haul flight (i.e. more than 7 hours).

4.1.2 Pre-flight / In-flight

- a) A declaration of health status that the crew is fit to fly including their body temperature readings shall be recorded in the compliance sheet upon reporting. Stringent cross-checking among the crew shall be insisted when reporting for duty. It is also recommended that this procedure is repeated before boarding.

- b) Operators shall include the following items in the compliance sheet based on CEO Directives – Medical Requirement:
 - 1) Applicants for a medical certificate shall be free from any:
 - i. abnormality, congenital or acquired;
 - ii. active, latent, acute or chronic disease or disability;
 - iii. wound, injury or sequelae from operation;
 - iv. effect or side effect of any prescribed or non-prescribed therapeutic, diagnostic or
 - 2) preventive medication taken; that would entail a degree of functional incapacity which is likely to interfere with the safe exercise of the privileges of the applicable license or could render the crew likely to become suddenly unable to exercise the privileges of the license safely.
- c) PIC shall include issues on medical exemptions and the risk mitigations during the team briefing.
- d) TEM during departure and arrival briefings shall include threat of medical expiry.
- e) All crew shall record in the logbooks and VR on all flights flown with medical exemptions.
- f) Crew are to record in the ASR, should there be any adverse effect/abnormalities on health during the flight.

4.2 ENGLISH LANGUAGE PROFICIENCY CERTIFICATE

4.2.1 Planning stage

- a) Operators shall not plan flights with all crew flying under exemption.

4.2.2 Pre-flight / In-flight

- a) Declaration of crew flying under exemptions shall be recorded in the compliance sheet upon reporting. Stringent cross-checking among the crew should be insisted when reporting for duty.

- b) PIC shall include issues on exemptions and the risk mitigations during the team briefing.
- c) TEM during departure and arrival briefings shall include flying matters while under exemptions.
- d) All crew shall record in the logbooks and VR on all flights flown with expired ELP.

4.3 RECURRENT TRAINING AND CHECKING

4.3.1 Operationally - Planning stage

- a) Operators shall not plan flights with all crew flying under exemptions. Operators must ensure that proper planning is being done to ensure that at least 50% of the crew have valid certificates/ratings/qualifications.
- b) Operators may dispatch experienced PIC/ICC together with inexperienced FO/Crew depending on the routes and aerodromes.
- c) Crew having exemptions in their licenses/ratings/qualifications should not be rostered on long haul flight (i.e. more than 7 hours).
- d) If an operator A intends to engage crew/aviation personnel from an operator B, operator A needs to ensure that the newly engaged aviation personnel from operator B are deemed qualified, conversant and adhere to the SOP of the operator A. ICC shall be from operator A. Proper documentation/agreement is required to be in place especially if domestic leasing is involved.

4.3.2 Operationally - Pre-flight / In-flight

- a) Declaration of crew flying under exemptions shall be recorded in the compliance sheet upon reporting. Stringent cross-checking among the crew should be insisted when reporting for duty.
- b) PIC shall include issues on exemptions and the risk mitigations during the team briefing.
- c) TEM during departure and arrival briefings shall include all exemptions of the crew and its probable effects.
- d) All crew shall record in the logbooks and VR on all flights flown with expired validities.

4.3.3 Training and Checking – Planning Stage

- a) The operator may engage senior instructors/inspectors as a one-off approval which will be authorized by CAAM.
- b) Operators may opt to reduce the number of cadets in an intake or suspend training activities entirely should the need arise.
- c) Operators may be allowed to continue with online training provided they fulfil the requirement stipulated in the Guidelines for Virtual Class as per **Appendix B**.
- d) Ultimately, all operators must be able to manage their current trained workforce in an effective manner.

4.4 A copy of the Civil Aviation Notice 1/2020 – Exemption Notice shall be carried on-board during all flights (hard/soft copy) for para 4.1, 4.2 and 4.3 above.

4.5 ORGANIZATION CERTIFICATE

4.5.1 Operators with AOC/TAC/COA/IFF/FSTD expiring between March 2020 and June 2020 are to conduct internal audits and risk assessments to determine the status of the company financially and operationally. Notwithstanding, the operators must at all times ensure that the standards and competencies of the organization are maintained and the compliance is met with. These internal audit reports must be submitted to CAAM before end of May 2020.

4.5.2 Para (a) also applies to ME.

5. **MITIGATING RISKS ON OPERATIONS**

5.1 Operators shall consider the following in their RA:

5.1.1 The necessary mitigations to address the increased fatigue risks due to shortage of crew with valid certificates/ratings/qualifications.

5.1.2 The flight and duty period limits and rest requirements.

5.1.3 Contingency plan(s) that covers operational and fatigue related issues that may arise during the flight (i.e. technical problems, weather, delays, and crew unfit to continue duty etc).

5.2 Operators should consider the following in mitigating the risks:

- 5.2.1 Restricted dispatch conditions; such as fuel, limits on number of passengers, cargo, limits on turn-around time.
- 5.2.2 Reducing flight schedule/frequency.
- 5.2.3 Fatigue awareness briefing.
- 5.2.4 Employing rated, current and qualified aviation personnel from other operators.
- 5.2.5 Engaging other operators via domestic wet lease.

6. CONCLUSION

- 6.1 These guidelines serve as precautionary measures during this COVID-19 outbreak to ensure that operators and aviation personnel maintain acceptable level of safety and compliance with the current regulations. All operators shall conduct continuous internal audits/assessments on their financial and operational standings. This is crucial in gauging the well-being of the operators amidst this difficult and trying times.
- 6.2 Appendix A – Compliance Sheet “Crew Exercising Extension of Standard Validity Period”.
- 6.3 Appendix B – Guidelines to Conducting Virtual Class.