

Civil Aviation Authority of Malaysia
CIVIL AVIATION NOTICE (CAN)



Notice No: CAN 2/2020	Issue Office: Civil Aviation Authority of Malaysia No. 27, Persiaran Perdana Precinct 4 62618 PUTRAJAYA Malaysia
Issue Date: 29 May 2020	
Effective Date: 01 June 2020	
Regulation: Regulation 21, 26, 29, 31, 32,33 35, 56, 59, 60,62,63, 64, 65, 66, 67, 68, 72, 110,111,112, 139, 149 and 152 of the Civil Aviation Regulations 2016 and Regulation 6 of Civil Aviation (Aerodrome Operations) Regulations 2016	
Related ICAO Annex: Annex 1, 6, 8, 14 and 19 to the Chicago Convention	
Status: New Issue	

EXEMPTION NOTICE

1. Introduction

1.1 In exercise of the powers conferred by section 24O(3) of the Civil Aviation Act 1969 [Act 3], the Chief Executive Officer makes this Civil Aviation Notice ('CAN') 2/2020 to exempt all operators, aircrew, aviation personnel, instructors, examiners, aircraft maintenance license holders and air traffic controllers wherever normal revalidation facilities are not available, from the requirements detailed in paragraphs 3 to 7, as appropriate, subject to any conditions therein.

1.2 This Exemption Notice is meant to provide relief to affected organizations and individual, during the Movement Control Order (MCO) by the Government of Malaysia, while still maintaining aviation operations activities to an acceptable level of safety. CAAM has conducted safety risk assessment to mitigate risk on all aspects involved in this exemption to ascertain operations activities do not jeopardize aviation safety.

2. Abbreviation

In this Notice, unless the context otherwise requires –

“CAAM” means Civil Aviation Authority of Malaysia;

“ANS” – Air Navigation Services;

“ANSRM” - Air Navigation Services Regulatory Manual;

“ASD” - Aerodrome Standards Directive;

“ATCO” – Air Traffic Control Officer;

“ATS” – Air Traffic Services;

“FCL” - Flight Operations Directive on Flight Crew Licensing - (FOD 10FC-16);

“GH” - Civil Aviation Directive on Ground Handling Services Requirements - (CAD GH 2020)

“IIF-FC” - Flight Operations Directive Instruction in Flying for Flying Club - (FOD 10CL-16);

“ME” - Medical Examiner: an approved medical practitioner who conduct medical assessment to licensed personnel;

“MED” - CEO Directive on Medical Requirements;

“ORA” - Flight Operations Directive on Organization Requirements for Flight Crew - (FOD 10OR-16); and

“ORO” - Flight Operations Directive on Organization Requirements for Air Operations - (FOD 60OR-16).

3. Validity period of certificates issued in accordance with GH, IIF-FC, ORA and ORO

3.1 Subject to the conditions in 3.2, an operator is exempted from the standard validity period of the following certificates, that expire from **1 June 2020 to 30 November 2020**, which may be extended until the end of the validity period of this Exemption:

- (a) ORO.GEN.135 (a), (b) & (c) - AOC continued validity;
- (b) ORA.GEN.135 (a) - Certificate of Approval, Certificate of Qualification, User Approval Certificate continued validity;
- (c) IIF-FC - Chapter 2.1.4 (a) - Certificate of Approval continued validity; and
- (d) GH - Chapter 2.5 (2.5.1) - Validity of Technical Approval Certificate.

3.2 The Certificate holders located in Malaysia on para 3.1 above whose validity expire up to 30 November 2020, the CAAM may be required to conduct safety oversight activities subject to allowance given under the MCO provided Standard Operating Procedures (SOP) in accordance with National Security Council (NSC), Ministry of Health (MoH) and State Governments are adhered to.

3.3 The Certificate holders located abroad on para 3.1 above whose validity expire up to 30 November 2020, the CAAM may be required to conduct safety oversight activities subject to allowance given under the MCO provided Standard Operating Procedures (SOP) in accordance with National Security Council (NSC), Ministry of Health (MoH) and ICAO Contracting States are adhered to.

- 3.4 The conditions mentioned in 3.1 are that:
- (a) Holders of the certificate to whom this exemption applies shall only exercise the certification privileges associated with the terms and conditions when no enforcement action is pending; and
 - (b) Apart from being exempted from the standard validity period as specified in paragraph 3.1, holders of the certificate shall maintain continued compliance with the other requirements prescribed in the Directives.
- 3.5 With reference to 3.1 of CAN 1/2020, where the standard validity period of the certificates that expire from 18 March 2020 to 31 May 2020, the validity period of the exemption shall be extended to 31 December 2020.

4. Validity period of licenses, ratings, certificates and qualifications issued in accordance with FCL, MED and ORO

- 4.1 Subject to the conditions in 4.2, flight crew, cabin crew, technical crew and ground personnel are exempted from the standard validity period of the following ratings, certificates or qualifications, that expire from **1 June 2020 to 30 November 2020**, which may be extended until the end of the validity period of this Exemption:
- (a) FCL.016 (a) - Validation of license;
 - (b) FCL.025 (a)(4) and (c)(1) – Theoretical knowledge validity period;
 - (c) FCL.040 (a) – Privileges of licenses;
 - (d) FCL.055 (c) – English Language Proficiency;
 - (e) FCL.060 – Recent experience;
 - (f) FCL.625 IR (a) – Instrument rating validity;
 - (g) FCL.740 (a) – Type/class rating;
 - (h) FCL.940 – Instructor rating validity;
 - (i) FCL.1025 (a) – Examiner rating validity;
 - (j) MED.D.030 – Validity of ME Certificates;
 - (k) MED.A.045 (a) – Medical validity;
 - (l) ORO.FC.130 (a) & (b) – Recurrent training and checking;
 - (m) ORO.FC.230 (b)(1), (c)(1), (d), (e), and (f) - Recurrent training and checking;
 - (n) ORO.CC.115 – Conduct of Training Courses and Associated Checking;
 - (o) ORO.CC.140 – Recurrent training;
 - (p) ORO.CC.200 – In-Charge Cabin Crew Training;
 - (q) ORO.CC.306 – Instructor Renewal Qualifying;
 - (r) ORO.CC.308 – Qualification of Cabin Safety Examiner and Limitation;
 - (s) ORO.CC.313 – Qualification of Inspector;
 - (t) ORO.CC.314 – CRM Instructor;
 - (u) ORO.TC.135 (a) – Recurrent training;

- (v) ORO.FTL.205 – Flight Duty Period; and
- (w) ORO APPENDIX 3 – Flight Operations Officer/ Flight Dispatcher Training Program.

4.2 The conditions mentioned in 4.1 are that:

- (a) Flight crew license holders shall comply with the following:
 - i. hold a valid class or type rating, instrument rating, examiner rating and instructor rating if applicable;
 - ii. operate under the management system of an organization for which ORA and ORO is applicable; and
 - iii. after the exemption period, shall receive 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 class or type has been maintained. That assessment shall include class or type specific abnormal and emergency procedures.
- (b) MED Class 1 and 2 medical certificate holders who are unfit under the Regulation 62 of CAR 2016 or under additional medical surveillance shall continue to comply with those requirements. Failure to do so may invalidate their medical certificate and/or the applicability of this exemption to them;
- (c) Holder of licenses, ratings, certificates and qualifications to whom this exemption applies shall only exercise the privileges associated with the approval, permit and license when no enforcement action is pending, and after the exemption period, shall receive refresher training followed by the completion of an assessment by means established by the operator; and
- (d) Subject to condition 4.1(v), operator shall comply to the requirement as stipulated. Any requirement for plan extension on ORO.FTL.205, operator is required to submit the justifications and risk assessment for CAAM's review. Exemptions will be granted on case by case basis.

4.3 With reference to 4.1 of CAN 1/2020, with the exception of 4.1 (k), where the standard validity period of the ratings, certificates or qualifications, that expire from 18 March 2020 to 31 May 2020, the validity period of the exemption shall be extended to 31 December 2020.

5. Validity of licenses, endorsements and certificates issued in accordance with MED and ANSRM

5.1 Subject to the conditions in 5.2, ATCOs are exempted from the standard validity period of the following endorsements or certificates that expire from **18 March 2020 to 30 November 2020**, which may be extended to the end of the validity period of this Exemption for all of the following:

- (a) ATCO license renewal as per ANSRM 4.7;
- (b) valid ATCO Class 3 medical certificates as per CEO Directives – Medical Requirements MED.A.045 (a); and
- (c) ATCO language recurrent periodic assessment as per ANSRM 6.1.4.

5.2 The conditions mentioned in 5.1 are that:

- (a) affected ATCO MED Class 3 medical certificate holders and Air Traffic Service Providers (ATSP) shall comply with the following:
 - i. ATCO who are unfit under the Regulations 155, 156 and 157 of CAR 2016 or under additional medical surveillance should continue to comply with those requirements. Failure to do so may invalidate their medical certificate and/or the applicability of this exemption to them;
 - ii. ATCO whose medical certificate validity is expiring within the period mentioned in 5.1 above, shall conduct self-health reporting; and
 - iii. ATSP shall closely monitor the health status of the operational ATCO.
 - iv. ATCO who are able to visit the ME shall sit for the medical assessments:
 - 1) as soon as possible for ATCO with medical certificates expiring from March to May 2020; and
 - 2) within the stipulated period for revalidation of medical certificates as in MED for ATCO with medical certificates expiring from June to November 2020.
 - v. ATCO stationed at Penang, Ipoh, Kota Bharu, Kuala Terengganu, Kerteh and Malacca aerodromes who are unable to visit the ME to revalidate the medical certificate shall notify ANS Standards Division 14 days before date of expiry.
- (b) for ATCO language recurrent periodic assessments, affected ATCO shall ensure that they are able to sit for assessments that will be scheduled as soon as the conduct of assessment is possible. Failure to sit for assessment and achieve at least operational level will invalidate their English Language Proficiency certificate and/or the applicability of this exemption to them.

5.3 ATS providers may conduct training and examinations for proficiency and validation subject to safety risk assessment to mitigate any risk in training when traffic builds up within short period.

6. Validity of approval, permit and license issued in accordance with the following Airworthiness Notices:

- 6.1 Subject to the conditions in 6.2, these operators / persons / organizations are exempted from the standard validity period of the following approvals, permits and licenses that expire from **18 March 2020 to 30 November 2020**, which may be extended to the end of

the validity period of this Exemption for all of the following:

- (a) **Notice 1101** (6.5) and (9.1) – aircraft maintenance license;
- (b) **Notice 1201** (5.12) (a) – maintenance training organization;
- (c) **Notice 6102** (5.1) (a) & (18.2) – continuing airworthiness management organization;
- (d) **Notice 6102** (10.6) – airworthiness review staff / approved signatory;
- (e) **Notice 6501** (9.2) (b) & (d) – aircraft maintenance organization;
- (f) **Notice 6502** (22.2) & (22.5) – limited maintenance organization approval;
- (g) **Notice 8301** (5.0) – certificate of airworthiness;
- (h) **Notice 8305** (8.1) & (9.0) – permit to fly; and
- (i) **Notice 8401** (5.1) & (16.1) – design organization approval.

6.2 The conditions mentioned in 6.1 are that:

- (a) Holders of the approval, permit and license to whom this exemption applies shall only exercise the certification privileges associated with the approval, permit and license when no enforcement action is pending;
- (b) Apart from being exempted from the standard validity period as specified in paragraph 6.1, holders of the approval, permit and license shall maintain continued compliance with the other requirements prescribed in the Airworthiness Notices;
- (c) Holders of aircraft maintenance license and approved signatory that are subjected to this exemption shall notified their respective Quality Managers within their organizations who shall have oversight responsibility on the control of those licenses and approved signatories. The Quality Managers shall provide to CAAM on a periodic basis the list of affected licenses and approved signatories;
- (d) Approved organizations shall have a process and procedures to monitor, control and manage their exercising of the certification privileges including proper recording of certification on continuing airworthiness and maintenance related activities accomplished under this exemption; and
- (e) The exemption in paragraph 6 applies automatically; there is no application required.

7. Validity of Certificate of Aerodrome in accordance with ASD 103 Volume 1:

7.1 Subject to such terms and conditions where the safety and security of the civil aviation, operators are exempted from the standard validity period of the following certificates that expire from **18 March 2020 to 30 November 2020**, which may be extended until the end of the validity period of this Exemption:

- (a) Chapter 7 (7.1) – Duration of certificate; and
- (b) Chapter 8 (8.1) – Renewal of certificate.

7.2 The conditions mentioned in 7.1 is that:

- (a) Holders of the certificate of aerodrome to whom this exemption applies shall only exercise the certification privileges associated with the certificate of aerodrome when no enforcement action is pending;
- (b) Apart from being exempted from the standard validity period as specified in paragraph 7.1, holders of the certificate of aerodrome shall maintain continued compliance with the other requirements as prescribed in the Aerodrome Standards Directives and the ICAO Annex 14; and
- (c) Holders of the certificate of aerodrome shall conduct safety audit and submit safety audit report to CAAM before 31 October 2020.

8. Notwithstanding paragraph 1.2, operators are required to conduct their own safety assessment to mitigate any risks in flight operations in relation to this exemption.

9. This exemption has effect from the date it is signed until **31 December 2020**, both dates inclusive, unless previously revoked. The holders of the approvals, permits, certificates and licenses shall submit their applications for renewal **within one month** after **30 November 2020** or its revocation date by the CEO, whichever comes first. If the MCO period is extended, consideration will be given to a further exemption.



(.....)

DR ZAINUL FUAD MD WAHI

Chief Executive Officer

for Civil Aviation Authority of Malaysia

29 May 2020

IMPORTANT NOTE:

- (a) Operators: Organizations using this exemption for their license holders are to provide a spreadsheet monthly to the CAAM (Desk Officer) detailing the revalidations.
- (b) To demonstrate compliance with FCL and ORO, aircrew, examiner, instructor, any aviation personnel should carry their (expired) ratings & certificates and a copy of the Exemption Notice CAN 2/2020 as part of their license and qualification.
- (c) To demonstrate compliance with CEO MED aircrew and ATCOs should carry their (expired) medical certificate and a copy of the Exemption Notice CAN 2/2020 as part of their license.
- (d) To demonstrate compliance with language proficiency requirements aircrew and ATCOs should carry their (expired) English language proficiency certificate and a copy of the Exemption Notice CAN 2/2020 as part of their license.