

EXEMPTION FROM PARAGRAPHS 702.65(b) AND (c), 703.88(1)(c), 704.108(1)(c) AND 705.106(1)(c) OF THE CANADIAN AVIATION REGULATIONS

Pursuant to subsection 5.9(2) of the *Aeronautics Act*, and after having determined that the 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 Subparts 2, 3, 4 or 5 of Part VII of the *Canadian Aviation Regulations (CARs)*** from the requirements set out in paragraphs 702.65(b) and (c), 703.88(1)(c), 704.108(1)(c) and 705.106(1)(c) of the CARs, subject to the conditions set out below.

The above mentioned provisions, reproduced in **Appendix A**, require flight crew members to have successfully completed a pilot proficiency check, the validity period of which has not expired, for the type of aircraft they operate, in accordance with the *Commercial Air Service Standards (CASS)*.

PURPOSE

The purpose of this exemption is to adopt temporary measures in the public interest to reduce the potential of person to person transmission in Canada following the declaration of a pandemic outbreak of novel coronavirus (COVID-19) by the World Health Organization (WHO) on March 11, 2020.

More specifically, this exemption will allow Canadian air operators to use “training to proficiency” as an alternative means of compliance with the requirement to successfully complete a pilot proficiency check (PPC) as required by paragraphs 702.65(b) and (c), 703.88(1)(c), 704.108(1)(c) and 705.106(1)(c) of the CARs.

APPLICATION

This exemption applies to Canadian air operators conducting operations under Subparts 2, 3, 4 or 5 of Part VII of the CARs.

This exemption ceases to apply to a Canadian air operator that does not respect a condition of the exemption.

CONDITIONS

This exemption is subject to the following conditions:

1. Training to proficiency shall only be used for recurrent training and cannot be used for the purposes of upgrading to Pilot-in-command, issuing a type-rating or instrument rating, or to conduct a re-test after an unsuccessful PPC.
2. The PPC valid – to date shall be reset in accordance with the validity period within the applicable CARs subpart, and in no case shall the new valid – to date exceed 12 months (1st day of the 13th month) beyond the existing expiry date.

3. The time allocated for flight training cannot be less than the time specified in the company's approved training program.
4. Training to proficiency shall be conducted in accordance with the conditions and procedures stated in Approved Check Pilot (ACP) / Advanced Qualification Program (AQP) Evaluator Bulletin 03/20.
5. Training to proficiency shall only be used when the person conducting the training is not an authorized check-pilot and the applicable Regional Director of Civil Aviation has not denied the operator from using training to proficiency.
6. The renewal of a pilot's approval to conduct low-visibility take-off and landing manoeuvres is permitted under 'training to proficiency' if these manoeuvres are conducted in a flight simulator.
7. Before using training to proficiency, the operator shall confirm with their POI that an ACP, FAA Training Center Evaluator (TCE) or TCCA inspector is not available to conduct the PPC because of a scheduling conflict, travel or quarantine restriction, health risk or other credible reason due to the COVID-19 pandemic.

VALIDITY

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

- a) December 1, 2020 at 23:59 (EDT); or
- b) The date on which this 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.

DATED at Ottawa, Ontario, Canada this 24th day of June 2020 on behalf of the Minister of Transport.

"Original signed by"

Nicholas Robinson
Director General
Civil Aviation
Transport Canada

APPENDIX A

Pertinent provisions of the *Canadian Aviation Regulations (CARs)*

Flight Crew Member Qualifications

702.65 No air operator shall permit a person to act and no person shall act as a flight crew member in an aircraft unless the person

[...]

(b) where the aircraft is operated in IFR flight and persons other than flight crew members are on board, has successfully completed a pilot proficiency check, the validity period of which has not expired, for that type of aircraft, in accordance with the *Commercial Air Service Standards*;

(c) if the person is not the chief pilot, has successfully completed a competency check or a pilot proficiency check, the validity period of which has not expired, for that type of aircraft in accordance with the *Commercial Air Service Standards*; and

[...]

Flight Crew Member Qualifications

703.88 (1) Subject to subsections (6) and (7), no air operator shall permit a person to act and no person shall act as a flight crew member in an aircraft unless the person

[...]

(c) has successfully completed a pilot proficiency check or competency check for that type of aircraft, the validity period of which has not expired, in accordance with the *Commercial Air Service Standards* as follows:

(i) in the case of the pilot-in-command of a multi-engined aircraft or of a single-engined aeroplane that is operated in accordance with subsection 703.22(2), a pilot proficiency check for that type of aircraft,

(ii) in the case of the pilot-in-command of a single-engined helicopter, a pilot proficiency check on one of the types of single-engined helicopters operated by the air operator,

(iii) in the case of the second-in-command of a multi-engined aircraft, a pilot proficiency check or a competency check for that type of aircraft, and

(iv) in the case of the pilot-in-command of a single-engined aeroplane that is not operated in accordance with subsection 703.22(2), a competency check for that type of aircraft; and

[...]

Flight Crew Member Qualifications

704.108 (1) Subject to subsection (6), no air operator shall permit a person to act and no person shall act as a flight crew member in an aircraft unless the person[...]

(c) has successfully completed a pilot proficiency check, the validity period of which has not expired, for that type of aircraft, in accordance with the *Commercial Air Service Standards*; and

[...]

Pilot Qualifications

705.106 (1) Subject to subsection (3), no air operator shall permit a person to act and no person shall act as the pilot-in-command, second-in-command or cruise relief pilot of an aircraft unless the person

[...]

(c) has successfully completed a pilot proficiency check, the validity period of which has not expired, for that type of aircraft, in accordance with the *Commercial Air Service Standards*;

[...]